

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 30, 2006 LB 57

SENATOR BROWN: Thank you, Mr. President, members. Somewhat in response to some of the things that Senator Schimek has said, I want to talk a little bit about some of my conversations with Senator Foley about this bill. When Senator Foley approached me about this bill, he reminded me that I had voted on his previous bill about the murder of an unborn child or the death of an unborn child. And I did that because I...actually, I had been approached several years ago to carry some legislation by a family whose daughter had been killed by a drunk driver and their grandson, Zachary, had died as a result of the accident, too. And they really wanted some legal recourse on behalf of the child that was within weeks of being born, if not days of being born, had the accident not occurred. And so I fully understood what Senator Foley was trying to do and understood that there would be a clear outcome that you could look to and a clear way to hold somebody accountable for that clear outcome. With this bill, I'm not nearly so sure of that. And what Senator Foley had suggested to me that might change my mind was the case of Rae Carruth, who is a football player who was involved in the murder of his girlfriend who was pregnant. And the child was born, and was born with problems that are most probably associated with the circumstances of his mother's death and his birth and the assault on his mother. And so I, in researching that, in researching the whole idea of whether we can pursue the assault aspect of it, I went back and read a lot about the Rae Carruth trial and tried to find some other instances where there has been a charge in the states that have a law similar to what is being proposed here, whether there has been a sentencing based...or a conviction based on the assault piece of it and a sentencing based on that piece of it. Now, in the Rae Carruth situation...and the other part that I think that probably makes Senator Foley most interested in the Rae Carruth piece is that one of the reasons that Rae Carruth was alleged to have been involved in the murder of his pregnant girlfriend was because she would not have an abortion. He had a problem of a number of children that he had fathered and...

SENATOR CUDABACK: One minute.

SENATOR BROWN: ...being able to, even though he made a great deal of money, being able to take care of those children. And