

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

February 22, 2002 LB 824

SENATOR FOLEY: That's theoretically possible. The...the difficulty of prosecution, of course, increases. But...

SENATOR CHAMBERS: No, not just theoretically. Based on the definition in the statute that which is naked to the...that which is invisible to the naked eye can be the subject of a homicide, based on the definition; not theoretically, but actually. Isn't that true, based on the definition?

SENATOR FOLEY: That is true, based on definition.

SENATOR CHAMBERS: And it could be invisible under a magnifying glass. It could be that small. Isn't that true? I'm not being argumentative, I'm just asking.

SENATOR FOLEY: Yeah, I think that's true.

SENATOR CHAMBERS: Okay. Now, in line 14, we have some words which I'm not going to question you about, so when I bring them up don't feel slighted, but they might be more of a technical legal nature, such as, for example, the term, "as a result thereof" I think that is vague but I will deal with Senator Brashear on that, because we're getting into a legal area. I want to see if there's something else I can ask you while I have you on your feet, if you'll bear with me. Oh, if you will turn to page 3, despite the fact that what we're going to touch on here will have some legal technical significance, I still want to get your thinking, as the introducer. In line 12, this sudden quarrel that can be with anybody when we're talking about manslaughter of an unborn child, the "any person" with whom the quarrel occurs does not have to be the pregnant woman, isn't that true?

SENATOR FOLEY: That is true.

SENATOR CHAMBERS: In line 15, the words "intentional child abuse" are found. To whom do those words apply?

SENATOR FOLEY: Those words apply to a born child.

SENATOR CHAMBERS: So how then could that be a homicide against