

Supreme Court decision is law. As a matter of fact, it has a higher dignity in the legal community than law because a court decision can abolish a law. Now I am telling you again, you have a proposition which is going to be centered around the question of viability. If you look on page 3, is it three? Well page 5 of the green sheet, 28-329, which deals with when no abortion shall be performed relative to viability except when there is imminent peril to the mother. Then you go to another section which I don't think is contained in the green portion but it is a part of the law in the books that imposes, I believe, a class four felony on a person for violating thirty...whatever it is, 329. Here is what Judge Urbom said and courts have said it throughout the history of this country and England which a lot of this country's laws come from. "When you are dealing with a criminal law there must be a very precise definition of terms. There must be a very careful and exact delineation of the conduct which is prohibited." If you use a careless definition of a word then that word is used in another penalty portion of the statute, that whole penalty portion plus the part that it refers to and is designed to enforce will have to be stricken down as unconstitutionally vague. I am going to read you, if I can find it right quick, a comment from Colautti. This is on page 3036 coming from The Family Law Reporter.

SENATOR MARSH: Senator Chambers, one minute.

SENATOR CHAMBERS: Yes. "It is settled that as a matter of due process a criminal statute that fails to give a person of ordinary intelligence fair notice that his contemplated conduct is forbidden by the statute or is so indefinite that it encourages arbitrary and erratic arrests and convictions is void for vagueness. This appears to be especially true where the uncertainty induced by the statute threatens to inhibit the exercise of constitutionally protected rights." And when you are going to deal with a term like viability on which so much of this abortion law hinges and the definition is vague, then you have trouble with all of it, so I am going to tell you what I would suggest that you do. I suggest that you reject this amendment so that I will be able to crow next year in committee when an abortion bill comes back again and crow on the floor of the Legislature again, so my advice to you is to reject this amendment if you want to do that which is emotionally satisfying but legislatively irresponsible.

SENATOR MARSH: Senator Chambers just closed, Senator Dworak. Your light is on. We are now ready and will vote on the