

I was going to rise to speak to Senator Chambers' comments, however, I think Senator Fowler has very carefully addressed those remarks and I would concur with Senator Fowler's remarks. I will make one point. Senator Chambers notes and rightfully so, that under the definition of abortion this law criminalizes an act which does not result in the expulsion of the fetus. It criminalizes the act of administering a device or a prescription with the intent of expelling the fetus. Now we have a number of crimes on the books right now where the crime itself is never completed such as murder. We penalize attempted murder such as rape. We penalize attempted rape. These are crimes that the crimes when the crimes are never completed but because we believe that we want to prevent those crimes, we go back one step further and penalize the attempt of committing those crimes and I suggest that the definition of abortion as contained in the act as amended or as would be amended with Senator DeCamp's amendments is basically our statement that we are penalizing, not just the results, but as well the attempt and that is perfectly proper under Anglo American jurisprudence and I would recommend the amendment.

SPEAKER MARVEL: The Chair recognizes Senator Chambers. We are still on the DeCamp amendments.

SENATOR CHAMBERS: Members of the Legislature, despite Senator Johnson's good faith effort to call your attention to a matter, I think you ought to leave that definition just like it is because there were some good legal minds who worked on this and I am just one person giving my opinion and I acknowledge, despite my ego, that I could be wrong. But let me go to this thing of emergency situation again, and, Senator Fowler, I understand what you say but what the courts continue to talk about was impediments on the doctor's ability to make a decision without being in an ambiguous or uncertain position. On the one hand you are saying to do an abortion without a woman's informed consent should occur only when a life-endangering situation exists. Is that correct? All right. Here we are. We have a definition of emergency situation. We have the term emergency situation included in the section of statute dealing with the imminent peril to the life. Now a situation confronting a doctor may be where to not perform an abortion immediately in his best medical judgment could be very harmful, but nevertheless he might wonder whether the woman's life is really imperilled so although under the definition of emergency situation he has the right to perform an abortion immediately. I do not see that this says in that definition of emergency situation that it relates only to the forty-eight hour