

aware of which one? Is it...?

ASSISTANT CLERK: It's AM 1613.

SENATOR CHAMBERS: Madam President and members of the Legislature, the last time we discussed (laugh) this bill...it's not funny, but Senator Lindsay told me what he was going to say when he's asked to bring us up-to-date on the bill. I'm not going to say it, but when I think about it then it...it showed wit on his part, but I don't want to steal that line. It's too precious. (Laugh.) But what this amendment says is that the provisions of...it would be attached to the portion of the statute that gives a definition of abortion and it lists various items and chemicals. It talks about...I don't have the bill before me, but it talks about various implements and medicines, drugs and other substances, and what this amendment says, quote, "The provisions of this subdivision shall not apply if such instrument, device, medicine, drug or other substance lacks the capability to cause the premature termination of a pregnancy." We had gotten into a discussion the last time about that definition and the meaning of some of the terms and the order in which they should appear in the definition. I didn't feel that instruments and devices are prescribed, so I wanted to change their positioning in the definition so that the term "prescription" would apply to drugs, medicines and other substances, whatever those other substances might happen to be. That amendment was rejected so it seems to me that, if we're talking about these various items, they should have to have the power to cause a premature termination of the pregnancy and I'll tell you why I say that. Because of the definition that there must be the intent to cause a premature termination of a pregnancy and the actual termination that's one thing, but there is a crime created by this bill and that new crime is an attempt to perform an abortion, so an attempt has to be something less than the completed abortion. An attempt could be undertaken by means of a device, substance or instrument which lacks the capability to result in the premature termination of a pregnancy, so what this amendment would do is to say, if you'd say it in the affirmative, that the device, the instrument, the drug, the medicine or the other substance must possess the capability to cause a premature termination of the pregnancy. If the abortion is completed we know that it has that capacity. I think that the bill has an element of unconstitutionality by trying to create the crime of attempt without stating the elements, but because this bill may not be amended we ought to