

you, when we get to the matter of attempt, but let's say that you're correct and it's created under the existing statute. You would agree that abortion is not an illegal act in and of itself.

SENATOR LINDSAY: That is correct.

SENATOR CHAMBERS: These other things that are dealt with by the attempt statute are crimes themselves. The attempt statutes don't deal with conduct which is legal. It deals with conduct which has been made a crime already.

SENATOR LINDSAY: That is correct.

SENATOR CHAMBERS: So a distinction would exist in that we're talking about what is legal, but it can be made illegal. For example, if a doctor does not give whatever it turns out the information is, that becomes an illegal abortion.

SENATOR LINDSAY: Right. The act of performing an abortion without having complied with the provisions is made a criminal act.

SENATOR CHAMBERS: Right, it converts that which is legal into that which is illegal.

SENATOR LINDSAY: Right.

SENATOR CHAMBERS: Now, when we talk about an attempt, I think you would agree that if we have a completed abortion, whether legal or not, that cannot be an attempt. That is a completed abortion.

SENATOR LINDSAY: If the abortion is completed...are you...

SENATOR CHAMBERS: I'm saying that...

SENATOR LINDSAY: ..can there not be an attempt? Is that what you're saying?

SENATOR CHAMBERS: Right. We have the abortion then.

SENATOR LINDSAY: I can't think of any circumstances that...that...that would...that would make it an attempt if the abortion has been completed.