

SENATOR CHAMBERS: Okay. Let me ask the question another way. An act cannot be the crime and the attempt at the same time.

SENATOR LINDSAY: That's correct.

SENATOR CHAMBERS: That's what I'm really saying.

SENATOR LINDSAY: That is correct.

SENATOR CHAMBERS: All right. So we're dealing with this process that has not resulted in the premature termination of the pregnancy.

SENATOR LINDSAY: Well...

SENATOR CHAMBERS: Isn't that right? Isn't that what the attempt would be?

SENATOR LINDSAY: The attempt could be that circumstance. I'm just...I'm sitting here trying to think off-hand of other circumstances, but you can have a circumstance of an attempt where, for example, a physician begins an abortion, does not complete it, but somehow is restrained from completing the abortion and somebody else completes it so the pregnancy is terminated but the physician has not completed it because he was restrained from doing so. Granted, that's far-fetched, but I guess it's a circumstance that I'm thinking that an attempt, even though the procedure may have been completed, an attempt would have occurred.

SENATOR CHAMBERS: And I, like I say, we can discuss that in more detail when we get to that, but why would you be opposed to making it clear that whatever is used, whether it's an instrument or device or some chemical substance that it must possess the capability to prematurely terminate the pregnancy? Otherwise, the intentional use of some other substance with the intent to prematurely terminate the pregnancy would not succeed in doing that, but it was administered for that purpose even though it doesn't have the power to do it and that would be an attempt.

PRESIDENT MOUL: One minute.

SENATOR CHAMBERS: You have administered some other substance