



Ninety – Sixth Legislature – First Session – 1999  
**Introducer's Statement of Intent**  
**LB 75**

---

**Chairperson: Senator Kermit A. Brashear**  
**Committee: Judiciary**  
**Date of Hearing: February 12, 1999**

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

This bill amends the "hate crimes" law (sections 28-110 to 28-114). Nebraska law is an enhancement scheme based on specified, underlying offenses. The offenses, themselves, must be proved beyond a reasonable doubt. If one or more of the specified offenses is committed because of the victim's race, color, religion, ancestry, national origin, gender, sexual orientation, age or disability, the punishment is the "next higher penalty classification".

Jurisdictions (State and Federal) throughout the country require that the allegations on which enhancement is based, shall be proved by a "preponderance of the evidence" (rather than beyond a reasonable doubt) because such allegations are not elements of the underlying offense.

In other words, since allegations go only to enhancement of punishment after conviction of an underlying offense (which must be proved beyond a reasonable doubt), the standard of proof should be a preponderance of the evidence.

Enactment of LB 75 will put Nebraska in line with the overwhelming majority of jurisdictions.

**Principal Introducer:** \_\_\_\_\_  
**Senator Ernie Chambers**