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Brashear's amendment with FA1403. (Legislative Journal page 262.)

SENATOR CUDABACK: Senator Foley, you're recognized to open on your amendment to AM2019.

SENATOR FOLEY: Thank you, Mr. President. In a colloquy that Senator Brashear and I had 15 minutes ago or so, I described a hypothetical. I said, what if we had an anti-Semitic person who was very violent, and the anti-Semitic person killed a Jewish baby at one day of birth? Could that be a hate crime? Senator Brashear and I agree, that could be a hate crime, depending on the facts and circumstances of the case. I then continued, what if the same act occurred one day before birth? And I think Senator Brashear and I are in agreement that with the language that's been offered by Senator Brashear, that could not be a hate crime as it relates to the child. It might be a hate...there may be hate crime at play there with respect to the act committed against the mother, depending on what was done to the mother, and the facts and circumstances of that crime. But it could not be a hate crime with respect to the implications to the child. That's my concern here. And again, my offer to Senator Brashear is, let's fix that, and I go away on the bill, meaning I'm not going to fight the bill. I'm going to vote no on the bill, because the underlying concept here is something that I can't agree with. My position on hate crimes, incidentally, is the same position that Senator Chambers took when the original hate crimes legislation was put on the books. He fought it then. He's had an evolution of thought. That's fine. That's fair. But when the original hate crimes legislation was put on the...was offered, some years ago, he strongly opposed it. That's where I am on the basic concept of hate crimes. But again, let's work out this issue regarding protection for the unborn, because we've already spoken to the protection of the unborn, overwhelmingly, within recent years. Let's harmonize hate crimes legislation to what this Legislature has already done, and I go away on the bill. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Foley. You've heard the opening on FA1403, offered by Senator Foley to AM2019 to LB 270.