

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
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FLOOR DEBATE

January 28, 2004 LB 270

body. You will recall, because we have previously discussed it at some length already this session, and I thank you for your time and attention, that LB 270 is the bill by which we would bring our hate crimes statutes into compliance with recent decisions of the United States Supreme Court in Apprendi v. New Jersey and Ring v. Arizona, two names which, as I've noted before, you have familiar...two cases with which you have familiarity. The...we have debated LB 270 at some length. You understand the issues that have been framed by the debate. I think maybe we can make some progress today on both LB 270, and enacting it, and bringing our statutes which already exist, which have existed for some time, bringing them into compliance with the law, as I call it. And then we will also be able to proceed, subject to your will, of course, with the amendment AM2019, which is the victims' rights amendment, and I'll discuss that at the appropriate time. I urge the advancement of LB 270. It's actually, between the last session and this session, it's already seen considerable debate, and I thank everybody for their participation. Thank you.

SENATOR CUDABACK: Thank you for the review, Senator Brashear. Mr. Clerk.

CLERK: Senator Brashear, AM2019, Senator.

SENATOR CUDABACK: Senator Brashear, to open on AM2019.

SENATOR BRASHEAR: Thank you, Mr. President, Mr. Clerk, members of the body. You will recall that we passed a constitutional amendment by popular vote in 1996, whereby we said that we would have a...we would accord victims rights. We have never actually implemented the underlying specifics of that constitutional amendment. And in Lamm v. Nebraska Board of Pardons et al., in January of 2001, the court concluded that there's no statutory means to enforce the constitutional right that the people adopted for themselves. And in response, your Judiciary Committee prepared what is AM2019 in substance. It has been through the process. It too has been debated on the floor of the Legislature previously. And this is simply the victims' rights amendment to the Nebraska Constitution; states that all victims have the right of notification, the right to be present