

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

May 22, 2003

LB 270

of a human being. I think the concept of human dignity, human respect should have prevented that murder.

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: If it could not prevent the murder, it should have at least prevented the mutilation. What more do these vicious people want besides depriving a person of his or her life? But that was not enough, and they committed the terrible brutalization through the mutilation. Then some people at the funeral went through what I had described earlier. I hope that this law on the books in Nebraska, even if it cannot prevent such a thing from happening, will be there to let people know that the society in Nebraska has a tremendous disapproval of this kind of conduct and will take action to punish those who engage in it, and hope that others will be deterred. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. Senator Raikes, on the committee amendments.

SENATOR RAIKES: Thank you, Mr. President and members of the Legislature. Senator Chambers, if I could ask you a question, I'm trying to draw a parallel between this treatment of hate crimes, given the Ring decision, and what was done by the Legislature to deal with the death penalty after the Ring decision, and it seems to me the procedure employed in the death penalty was, in effect, a two-step procedure. You first have a decision by a jury as to whether or not there was a first-degree murder. Then you look specifically at the allegations or at the...can't say the word, the aggravating factors, and then the jury makes a separate decision on whether or not those aggravating factors happened. Then there's...then you go on about the decision on the death penalty. This one, as I understand it, you're putting all those together. You're...suppose, for example, I was charged with an assault and it looks as though I did it for racially motivated reasons. What I see happening here is that that's going to be a one-step thing; that I would be charged with either just assault, or if I were charged for a racially-based assault, then if the jury decided that, yeah, there was an assault but it wasn't racially