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FLOOR DEBATE

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LB 270

underlying offense. Then there is evidence presented to establish that this second prospect is to be considered.

SENATOR RAIKES: Well, now that's the way it is with the death penalty, but I thought this one was...there wasn't a two-step, that it was more or less just once. You presented all in one. In other words, the prosecutor has kind of got to roll the dice and decide whether or not they can convict me of both, or back off and just say, well, we're not sure about the aggravating part of it.

SENATOR CHAMBERS: I have my light on because we'll run out...

SENATOR CUDABACK: Time.

SENATOR CHAMBERS: ...and then I will continue.

SENATOR CUDABACK: Time.

SENATOR RAIKES: Okay.

SENATOR CUDABACK: Thank you, Senator Raikes. Senator Brashear, on the committee amendments. Is Senator Brashear...he waived off. Senator Foley, followed by Senator Chambers.

SENATOR FOLEY: Thank you, Mr. President and members. Senator Brashear and I have had some discussions about this bill for a number of weeks now and we've tried to be very open and honest with each other and I think we've achieved that, and he knows I don't like the bill and it's his bill. And it's not easy to tell the Chairman of the Judiciary Committee you don't like his bill, but (laugh) I've told him that and, in fact, I voted against the bill in committee. And my fundamental problem with the bill is that it seems to me, and this was borne out in the 1997 debate by a number of speakers, including Senator Chambers and Senator Landis and Senator Beutler. It seems to me what hate crimes is really all about, when you get to the core of it, is to extend someone's period of incarceration longer than it otherwise would be because you can prove you know what they were thinking when they committed a crime. And because we don't like what they were thinking when they committed that crime, we want