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LB 270

SENATOR CUDABACK: Time.

SENATOR FOLEY: ...five or six years ago with this bill. Thank you.

SENATOR CUDABACK: Thank you, Senator Foley. Senator Chambers, on AM0317, offered by the Judiciary Committee.

SENATOR CHAMBERS: Mr. President, members of the Legislature, we don't allow demonstrations but I want you all to know that I'm not making it up. I've been reading a book called Neanderthal because it relates to a branch of human-type persons that have no direct lineage in the development of modern-day human beings. And there were many people, during the early days that bones, tools and other remains were found, could not accept the notion that anything other than what is considered a modern human being could have done that. So, in spite of the evidence, they rejected it. When they found later on huge cave paintings, Cro-Magnons were more willingly accepted because they looked more like modern-day human beings. But when these various types of evidence were presented, no longer could people who were rational reject it. They couldn't say, well, lightning struck and created these paintings, so eventually those realities were accepted. Some people do not accept it today. When this bill was first presented, I was in the Neanderthal stage with my thinking. I moved to the Cro-Magnon stage. Then I moved to the early stages of human development where the person was more like a human than an ape, so it was an ape-like human being. When I walked totally upright in my thinking, bipedalism, got a bigger braincase with a bigger brain and could think rationally, I took into consideration the reality that I observed and geared my conduct to that and my view changed on this entire area. When the facts demonstrate that a problem exists in society, the goal and responsibility of legislators is to address that problem. That is what this type of legislation does. As to the attitude, the motive or thought in a person, the law has a term called mens rea--what is the motivation? And the motivation determines the severity of the crime, or even if a crime was committed. When we deal with homicide, and this goes to what Senator Raikes was discussing, a murder was committed, but what the court has