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LB 270

SENATOR BRASHEAR: That's the key difference and...

SENATOR FOLEY: Yeah, that's...

SENATOR BRASHEAR: ...what Apprendi and Ring requires us to change.

SENATOR FOLEY: ...that's what Ring was all about. That's what Ring was all about. Very good. Now there are certain categories that trigger the hate crime or could potentially trigger the hate crimes statute, and they're enumerated in statute today, and you're not changing those, I don't think. Are you? You're not...there's a list...

SENATOR BRASHEAR: I'm sorry, would you repeat that again? I missed some.

SENATOR FOLEY: ...there's a list of categories--race, religion, so forth.

SENATOR BRASHEAR: We left the hate...

SENATOR FOLEY: You left that as is.

SENATOR BRASHEAR: ...crime statute exactly as it...

SENATOR FOLEY: Right.

SENATOR BRASHEAR: ...was adopted...

SENATOR FOLEY: Right.

SENATOR BRASHEAR: ...in 1997.

SENATOR FOLEY: Right. Right. Is there...what would prohibit us, if anything, from expanding or contracting that list?

SENATOR BRASHEAR: Nothing. Nothing, except 25 votes...

SENATOR FOLEY: Sure.