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FLOOR DEBATE

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LB 270

SENATOR BRASHEAR: ...and 3 rounds of debate.

SENATOR FOLEY: Sure.

SENATOR BRASHEAR: And a bill to do it.

SENATOR FOLEY: Let me tell you what I'm wondering about. There is...as you know, I've worked with you on the Homicide of the Unborn Child Act, and I did a fair amount of research on that question. In the course of my research, I came across some studies that indicated that there are some people who will commit an act of violence against an unborn person simply because of this person's status as being unborn. They don't want that person to exist because they're an unborn child. Is it far-fetched to say, well, maybe that's a hate crime?

SENATOR BRASHEAR: I don't think it's far-fetched. I mean that's...that would be an addition to the classification...

SENATOR FOLEY: The actual...

SENATOR BRASHEAR: ...that would have to meet the approval of the body and obtain the signature of the Governor.

SENATOR FOLEY: Right. So the actual act of committing an act of violence against the unborn, of course, we've dealt with that issue...

SENATOR BRASHEAR: And again, it would be then a subject of proving it beyond a reasonable doubt to a jury.

SENATOR FOLEY: Um-hum.

SENATOR BRASHEAR: It's the only way you can go at those issues. No matter how you feel about them, what Apprendi and Ring are saying is, do it this way or you can't do it.

SENATOR FOLEY: I hear you. Has the hate crimes statute, which has been on our books for, what, five or six years, is that...is it being used often, or what's the...what can you tell us about