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LB 270

those thoughts. This bill is attempting to get at conduct, but I still have a difficulty. And then he gets into a hypothetical and I'll pursue that. He says: Let's say that there's an obvious racist. He's a skinhead. He's got racial slurs against black people written on his shirt and he's got the swastika. And Senator Beutler and I are standing side by side, so he smashes me in the head with a brick and he smashes Senator Beutler in the head with a brick. Somebody will say, well, the bill says that's a hate crime if the person is attacked for associating with another person, is attacked because of that other person's race, religion, or whatever, and the chain can lengthen out. But Senator Beutler is no less hurt, as a white man, than I am. Now it's difficult to discuss this bill for most people, but it's not difficult for me because I know what my view is. These kinds of bill require at some point getting into an individual's mind, gathering up statements which a person may have made and which a person has a right, under the First Amendment, to make if they're not fighting words, obscenities and some of these things that the courts have said society can regulate to some extent. If they're not those kinds of words then they shouldn't be useful to convict somebody of a crime, but under this bill they could. How is a judge to determine why a person did something to another individual? You look at prior conduct, and sometimes that's going to involve words, and I opposed...I'm opposed to words being used as a basis for a crime or to enhance a crime. Is Senator Brashear on the floor at this point?

SPEAKER BROMM: Senator Brashear? Yes. Senator Brashear, would you yield, please? And there is one minute.

SENATOR BRASHEAR: Yes, Mr. Speaker.

SENATOR FOLEY: Thank you, Senator Brashear. I know you were engaged in a conversation and I won't repeat everything I just said, that you may have been distracted,...

SENATOR BRASHEAR: I'm sorry.

SENATOR FOLEY: ...but the essential argument that Senator Chambers made in 1997 is that these kinds of bills require, at