

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

May 22, 2003

LB 270

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. And that's the difficulty I have, the same difficulty that Senator Chambers had in 1997, is we're trying to get in to probe into people's minds and say, now what were you thinking when you smashed that person with a brick? And if they give what we think is the wrong answer, we can enhance the penalty against that person.

SENATOR BRASHEAR: No, if we think their answer is not genuine or they give the right answer to the question then they can be charged, but it has to be proven beyond a reasonable doubt to a jury, under the bill.

SENATOR FOLEY: But at its base, we're getting at what they were thinking when they they said it, when they committed the act.

SPEAKER BROMM: Time.

SENATOR BRASHEAR: Thinking and doing.

SPEAKER BROMM: Thank you, Senator Foley and Senator Brashear. Senator Chambers.

SENATOR CHAMBERS: Mr. Speaker and members of the Legislature, Senator Foley is reading and I'm glad he acknowledged what I stated in the beginning, what my attitude was and how it changed. I'm different from Senator Foley. I get evidence and I change my mind. I'm not running out into the corridor dealing with people who hate gay and lesbian people. I don't know whether Senator Foley knows people who want to combine themselves in a gang and attack gay and lesbian people and not be punished about it. That's what is Senator Foley's problem. He has made it clear in the Judiciary Committee on several bills. He doesn't want us to take out religion because Catholics have been set upon because of their religion, Jews have been abused because of their religion, so he doesn't touch that. But both of those are voluntary positions that people take. So when he and his ilk want to say that somebody chooses to be homosexual, even if that's true, why doesn't he say the same thing about religion? Homosexuals have never burned people