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FLOOR DEBATE

January 14, 2004 LB 270

of the county attorney, that shall prove the discriminatory allegations beyond a reasonable doubt. With that explanation, and because we have had previous debate and we have adopted the Judiciary Committee's amendment, I would urge the advancement of the bill. Thank you.

SENATOR CUDABACK: Thank you, Senator Brashear. You've heard the opening on LB 270. Mr. Clerk.

CLERK: Mr. President, I do have amendments to the bill. I have a priority motion. Senator Foley would move to recommit the bill to committee.

SENATOR CUDABACK: Senator Foley, you're recognized to open on your motion to recommit to committee.

SENATOR FOLEY: Thank you very much, Mr. President and members. Good morning. I'm now in my fourth year in the Legislature, and it is a rare day when I will use the rules that are available to me to filibuster a bill. I have a visceral reaction to hate crimes legislation. The fundamental premise of hate crimes legislation is that we will enhance a person's penalty because we think we know what they were thinking when they committed a crime; and because we don't like what they were thinking when they committed a crime, we're going to enhance their penalty. That's what hate crimes is all about. People in our society commit heinous crimes, horrible crimes. It happens. It's tragic. And when they do it, we ought to prosecute them to the fullest extent of the law. Throw the book at them. But in my view, it's wrong to tell the convicted person, because we think we know what you were thinking when you committed your crime, it's extra wrong, and we don't like what we think we know you were thinking when you committed the crime. And that's what hate crimes is all about. I'm going to fight this bill. But I'm also going to be practical about it, because I know that we have hate crimes on our books. It's been there for a number of years. A previous Legislature put it on our books some years ago. And now we're told that the earlier statute is defective, because of the Ring decision, and it needs to be repaired. Perhaps that's true. I don't know. I'll trust the judgment of Senator Brashear on that, and others, who tell us that the