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floor momentarily to discuss this with his counsel. My offer to Senator Brashear is that if we could add some specificity to the legislation, and remove some ambiguous language, to make crystal clear that an unborn child could be a victim of the hate crimes legislation, then I will withdraw all motions, all amendments, and so forth, and vote no on the bill, but I won't fight the bill. That's where I am, Senator Brashear. And I make that offer to you now on the floor. And I'd ask you to think about that. And if you have a response now, I'd offer you some time.

SENATOR BRASHEAR: Thank you. Senator Foley, in consultation with others, I'm looking at some of the technical details. Specifically, the crime as against the Jewish mother of the Jewish infant that you used in your last hypothetical potentially could be a hate crime as our statutes are all defined and constructed. But it appears that...

SENATOR CUDABACK: One minute.

SENATOR BRASHEAR: ...infant homicide is not within the category or categories that are specified. So my prior answer doesn't apply. The crime against the mother bearing the child could be a hate crime; the crime as it relates to the child itself could not be.

SENATOR FOLEY: I think you're right.

SENATOR BRASHEAR: As written.

SENATOR FOLEY: I think you're absolutely correct on that, Senator. I think...and that's my key concern right now, is that the crime that I described in my hypothetical could indeed be a prosecutable offense as it relates to the mother, but not as it relates to the child, if the act occurred one day before birth. Now, if it occurred one day after birth, then I think we're...your language is fine. Do you agree with that?

SENATOR BRASHEAR: Yes, I do.

SENATOR FOLEY: Okay. And again, I...my offer to you is that if we can just fix this concern of mine, so that we make very clear