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SENATOR MOSSEY: No, that would be up to the prosecutor's discretion, whether the elements are met. So how often is it prosecuted, no. I do know from experience from city of Omaha police, on our uniform crime reports we fill out for every crime, there's a special section for hate crimes, and there are categories in which they fall under. And under the initial investigation, you would collect evidence, things of that sort, and then the prosecutor would ultimately decide to go with the hate crime. So how many times it's prosecuted, I would not have that information.

SENATOR SMITH: Have you ever known an enhanced penalty to occur due to a hate crime?

SENATOR MOSSEY: Personally, no, just because it depends whether I get subpoenaed or not. And so, as far as being in court, I...that would be something the prosecutor would have to answer.

SENATOR SMITH: You haven't read in the papers or anything and specifically noticed, due to your background...?

SENATOR MOSSEY: Well, I've read of the arrests made, like, for example, when I reference the anti-Semitism that were going on at the synagogues for a while there, arrests were made in that case. Whether they were prosecuted also as a hate crime, I wouldn't have knowledge of that. But I do know that they were arrested for a hate crime. But as far as the prosecution outcome, I have no idea.

SENATOR SMITH: Okay. But you're not aware of any final outcomes being an enhanced penalty due to a hate crime?

SENATOR MOSSEY: I'm sure there have been, but I don't follow that, no. The final outcome, unless I'm personally involved and get subpoenaed and involved from the beginning to the end as a police officer, that would be the only way I would know, unless I read it in the paper, like you said. A prosecutor would be someone that would be able to answer that a lot clearer than me, as far as how many times, especially in the city of Omaha, how many hate crimes they've prosecuted.