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FLOOR DEBATE

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provisions a prosecutor can then seek to prosecute under that provision of law. At this stage, in our laws, we do not have that. Now, we can gather information, as Senator Mossey has pointed out, and say, this was a hate crime; had the constitution or had the laws of the state been clearer, it would have been in this category. So there needs to be a little clarification, I guess, from my perspective. We're being asked, as a Legislature, if what was done by the people of the state and previous Legislatures, if this is the direction we want to continue to go down. If the answer is yes, then we have an obligation to pass LB 270 as a collective body. If the answer is no, then the obligation that I probably think we should undertake is an obligation that says we repeal these sections of law. But I would agree with my friend Senator Friend that to do nothing is probably not the answer either. To say we're going to allow this law to languish in the current state that it's in, citing two specific court cases where it has said we have a flawed process, we have a flawed law; Legislature, if you're going to make this a law you need to fix it. So I would not disagree at all that there is that reality in this debate. So where I'm at on this discussion is I'm still trying to reconcile and I've yet to get to the point where Senator Friend is, and that is who cares about the other circumstances, and I think that there's some value in that. But I come back to the reality, as a layman, that I think any crime committed against another person has to have an element of hate in it, has to have an element of bias and has to have an element of intent in it. And the question about whether a law is a hate crime or not, it was my understanding is whether or not a prosecutor could provide it; whether or not the prosecutor has the evidence that Senator Mossey may have collected, as an officer in Omaha, to be able to present to a court and say, yeah, we can prove the intent, which also proves, under this section of law, that it was a hate crime. So I'm still trying to rationalize the additional part of this. Senator Foley has what I feel, and some others do and some others don't, a reasonable request. Whether or not we agree or not will be yet to be seen, but again, with LB 270...

SENATOR CUDABACK: One minute.