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FLOOR DEBATE

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obviously, after hate crimes legislation was put on our books. So now, if we're going to go back and amend the hate crimes law, we need to bring it into conformity with what we did in LB 824 year 2002 to reflect the fact that some things have changed since then. And Senator Brashear was an integral part of making that change, for which I am very grateful. The flaw is very obvious and it was exposed during the initial colloquy that Senator Brashear and I had some time ago. If you kill the baby day one after birth, it might be a hate crime, depending on the facts and circumstance of the case. If you kill that same child the day before birth, it can't be a hate crime. That's the flaw that we're trying to fix with FA1403. Senator Brashear says, well, the Foley language, it's all wrong, it's all wrong; if you want good language go to the bill drafter; he'll get it right. Mr. Clerk, I'd like to withdraw FA1403. I've got another amendment that's come to us from the bill drafter.

SENATOR CUDABACK: It is withdrawn. Mr. Clerk.

CLERK: Mr. President, Senator Foley would move to amend Senator Brashear's amendment with AM2082. (Legislative Journal pages 263-265.)

SENATOR CUDABACK: Senator Foley, you're recognized to open on AM2082.

SENATOR FOLEY: Very good. Thank you again, Mr. President. The bill drafters now provided us with some language that brings the Brashear amendment, and ultimately LB 270, into harmony with the fetal homicide law that this body overwhelmingly adopted two years ago. It's drafted properly, drafted by our bill drafters up in...the lawyers upstairs. They've got it right. It's a very legitimate amendment, properly drafted and the right kind of form, and the attempt is simply to harmonize our laws so that the hate crimes laws are in conformity with the fetal homicide law. Makes the two laws mesh together properly and gives that protection that you said you wanted for the unborn child when you voted overwhelmingly for the fetal homicide law a year and a half ago. Thank you, Mr. President.

SENATOR CUDABACK: I cannot hear you, Senator Foley.