

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office

May 27, 1997

LB 90

SPEAKER WITHEM: Thank you, Mr. Clerk. Mr. Clerk, LB 90.

CLERK: Mr. President, LB 90, introduced by Senator Robak. (Read title.) The bill was introduced on January 9 of this year. At that time it was referred to the Judiciary Committee. The bill was advanced to General File. There are committee amendments pending, Mr. President.

SPEAKER WITHEM: Senator Robak, to open on your bill.

SENATOR ROBAK: Thank you, Mr. Speaker and members of the body. And I would like to thank Senator Chambers for giving me a chance to open on my priority bill. I had designated this earlier in the session as my priority and I thank you very much for allowing me to open because given the short time frame of the remainder of the session it probably will not become on the agenda again. This bill would enhance penalties for those intentionally selecting victims of crime on account of another person's race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability. Such crimes could be actual or they could be intimidation by threat of violence to destruction or vandalism. If convicted, the person shall be punished according to the next higher penalty classification than the penalty prescribed for their law..unlawful offense. However, in no case shall the punishment be higher than a Class IB, which is a minimum of ten years imprisonment and a maximum of life imprisonment. While many states had bias-motivated statutes on the books prior to 1993, a Supreme Court decision, Wisconsin v. Mitchell, ruled a Wisconsin law constitutional. The high court found that the state law did not violate a defendant's First Amendment right of free speech, noting that the law punished action rather than thought. I know there was a lot of concern of some senators that would think that this would be a violation of the First Amendment, but the high court found that the state law did not violate the First Amendment right of free speech because it punished action rather than thought. Sixteen states have enacted laws following that Supreme Court decision. The latest report shows that 38 states with some type of enhanced penalty due to bias. The Pages have passed out handouts. There's a map showing...the latest report we had is a map showing that...the