

unconstitutional or we may think it is unconstitutional or we have an opinion, just remember that we passed this bill and that this is something to make you more careful about passing criminal legislation in the future. And I don't believe it will be a chill on prosecutions but it is more of a burden upon us and other people, be it administrative bodies or be it county boards or cities who pass other criminal actions or administrative rules and regulations. If they are unconstitutional, you may have to pay for making those laws unconstitutional or creating them. So, with that, I think this is a bill you will see in the future. I am going to vote for it and would also urge the adoption. Thank you.

SPEAKER BAACK: Further discussion? Senator Landis.

SENATOR LANDIS: Mr. Speaker, I'd like to allow Senator Dierks to use a little of my time and then I will use whatever remains to make my remarks. Could I yield my time to Senator Dierks, knowing that he will yield it back to me when he is done?

SPEAKER BAACK: Senator Dierks.

SENATOR DIERKS: Thank you, Mr. Speaker, Senator Landis and members of the body, I'd just like to ask Senator Elmer a question, please. Senator Elmer, who is responsible for paying these actions?

SENATOR ELMER: Senator Dierks, it would be the responsibility of the body, the agency or those local government board that passed that particular law, rule, ordinance or statute to reimburse the individual if the Supreme Court, in its sole discretion, it says the Supreme Court may. If the Supreme Court decides that that defendant should be awarded his legal fees for defending himself against an unconstitutional ordinance or law, then it's the body that promulgated that particular thing under which the individual was prosecuted.

SENATOR DIERKS: So in other words, if it is a state law, then the remuneration would come from state government.

SENATOR ELMER: That is correct, Senator Dierks.

SENATOR DIERKS: It would be very unlikely that county government would be paying any of these defendant charges.