

villages, and I got some letters from like Lincoln; they said that this could cause them great budgetary problems. They have approximately 15,000 misdemeanors a year. So Senator Lindsay's amendment to the amendment now strikes what the committee amendment did, which I think is good, and I favor that, striking that amendment, but it creates a new... a new situation where you could request a jury trial under a city or village ordinance if the prosecutor would charge the defendant under a city ordinance for an offense which could be charged under state law, and if under state law they would be entitled to a jury, then under this amendment, they could request a jury trial under the city or village ordinance. Now I told Senator Lindsay that at this point I was going to take kind of a wait and see attitude on his amendment, see what the discussion is, and see how it plays out because I don't think people have had a great opportunity to think this through and consider what the effect of it is, and I am anxious to hear that. I would like to ask Senator Lindsay a question, if I could, please.

SENATOR LINDSAY: Yes.

SENATOR BROMM: Senator Lindsay, in your amendment, in line 5, you have, "the defendant could demand a trial by jury for the same or similar offense charged under state law." The words that are coming out at me right now are the words "or similar." Would you have a problem, perhaps, with taking those words out, or what is your thinking in having the words "or similar." I can see some ambiguity or maybe some question mark about those words.

SENATOR LINDSAY: And I also understand your concern. The concern on...the reason for having "or similar" is if it is not...the same statute would be identical; if they take out a comma, if they change an a to the, then it is not the same. The similar language, that's kind of standard language in this kind of a thing. Same or similar implies that you have the same crime. We do, when we talk about crimes, if you've been convicted under a...like in the DWI statutes now, if you've been convicted under a state law on DWI or a similar ordinance. So it is the same type of language that they use in those kinds of things. It is not intended to have a completely different crime. If the elements of the crime are pretty much the same, the language need not be exact, but the...if we are looking at the same crime.