

believe it moves us in the right direction and can clarify the issue in front of us. There may be another amendment that's needed down the road but we can address that. With that, Mr. President, I would urge adoption of Senator Lindsay's amendment to the committee amendment. Madam President. I apologize.

SENATOR BOHLKE: Apology accepted. Senator Lindsay.

SENATOR LINDSAY: Thank you, Madam President, and members, just having a discussion with Senator Bromm, I think Senator Bromm raises some valid points. He and I were just trying to work on some language on that that will, hopefully, substitute an amendment and it would be the language that Senator Bromm talks about, if the city or village ordinance includes imprisonment, and that type of...that type of language, I think, improves the amendment. But I would like to go back to some of this when we talk about...when we talk about jury trials, when we talk about possibility of imprisonment, when we talk about cost to the state, sometimes we forget that there are other costs that are associated. My understanding, and, Senator Kristensen, could I ask you a question?

SENATOR KRISTENSEN: Yes, Senator Lindsay.

SENATOR LINDSAY: Senator Kristensen, constitutionally, are you...you're entitled to the appointment of legal counsel if you can't afford legal counsel,...

SENATOR KRISTENSEN: Well, I...

SENATOR LINDSAY: ...if you have a possibility of imprisonment. Isn't that...

SENATOR KRISTENSEN: I think that's right. When you say constitutionally, I think by case law as to what...I think that's probably implied from the Constitution but, obviously, the right to counsel has been interpreted, but I think that's correct. If you have the chance of being imprisoned, you have the right to be represented by counsel and then, obviously, the discretion occurs as to if you can afford counsel and that's where we all run into problems.

SENATOR LINDSAY: Right. But the trigger there is imprisonment.