

SENATOR HALL: Okay. Now in terms of the overall concept of the proposal, how, Senator Kristensen, would the commission function in terms of...I mean would attorneys actually go out and try these cases?

SENATOR KRISTENSEN: Could they, yes. Are they required to, no, not absolutely. I mean they could provide similar to what we've done for the Attorney General going out to offer some assistance. They could also go and just handle the appeal for example or they could just do the postconviction relief if there was a conflict. So it's an array of service that is possible.

SENATOR HALL: Well, what if they, as an example, what if they did the trial and I mean what if the defendant argued that somehow that they were incompetent?

SENATOR KRISTENSEN: Right, which will probably happen.

SENATOR HALL: Who would handle the postconviction relief?

SENATOR KRISTENSEN: It would be like any other situation. The county is still going to have to hire somebody to defend whoever did the first trial.

SENATOR HALL: So the county would still have the burden of paying for that.

SENATOR KRISTENSEN: Yeah, except that they wouldn't have the burden of paying the first time around. If they did do that trial, they wouldn't pay the first go-around and that would be some savings too.

SENATOR HALL: Well, they could apply to not have to pay...

SENATOR KRISTENSEN: Exactly, that's right. There's not an absolute guarantee they will get that.

SENATOR HALL: But if the defendant alleged that there was incompetent counsel at the trial, at the postconviction they could, I mean the county could very likely still have costs that...

SENATOR KRISTENSEN: Oh, sure, yes, right.

SENATOR HALL: How then have we, through this system, I mean,