

SENATOR PIRSCH: Which gives legislative intent, which I believe in all of those subsections talks about indigent defense services.

SENATOR KRISTENSEN: Right.

SENATOR PIRSCH: So really this is an act for indigent defense services, and we establish this commission to do all of those things for indigent defense, but tell me, we also talked about the once in a decade, maybe once in a half century for a county on an expensive criminal case, what will this commission be doing in the meantime? I mean, they are not going to have these kind of cases all the time. What will they be doing nitty-gritty every day?

SENATOR KRISTENSEN: Well, Senator Pirsch, this state is full of cases, and capital cases all over, and conflicts of litigation...

SENATOR PIRSCH: For capital cases that have happened in the past, is that correct? Is that what we are aiming at?

SENATOR KRISTENSEN: Well, obviously, we are starting in the future. I suppose we have the option of putting some cap into the back end of this as well, but, you know, you have got a number of conflict cases throughout, for example, the public defender's office represents somebody in the original trial, and the defendant says, you incompetently represented me. Well, who is...who's going to represent the defendant now at that hearing, that's a conflict...

SENATOR PIRSCH: At what hearing?

SENATOR KRISTENSEN: At the postconviction relief hearing.

SENATOR PIRSCH: At the appeal.

SENATOR KRISTENSEN: Well, you will get to an appeal, but the postconviction relief is a motion, is a procedure that they will go back to district court and say, look, the public defender didn't do a good job. In...

SENATOR PIRSCH: Right.