

improvement in the statute by taking out the authority of the commission to establish standards. There's been no discussion of what standards we're talking about and I thought I might add something in that regard. Many judicial districts establish rules by the court as to standards in capital cases. In the judiciary...in the judicial district in western Nebraska, one of the standards is you cannot be appointed to represent an indigent defendant in a first degree murder case unless you have worked on two prior first degree murder cases in the second chair, or as assistant counsel. These are the type of standards that many judges set for their own judicial district, and it's not really necessary for this commission and probably not appropriate for this commission to be setting standards for those attorneys representing indigent defendants. Now, there's been quite a bit of talk about public defenders. In the seven counties that are in my legislative district, we don't have a single public defender, all of the defense work is done by court appointed counsel, those are private lawyers who are appointed to do this by the court. They really have no choice in the matter, they take that responsibility, and, as I say, it's the judges that are setting the court rules that are establishing the standards. So I compliment Senator Kristensen for this amendment and clarifying that matter and I certainly support the amendment.

SENATOR CROSBY: Thank you, Senator Matzke. Senator Hartnett, on the Kristensen amendment.

SENATOR HARTNETT: Madam President and members of the body, Senator Kristensen, I'll ask you some questions.

SENATOR CROSBY: Senator Kristensen.

SENATOR KRISTENSEN: Sure.

SENATOR HARTNETT: How many capital cases, if we, you know, had...this commission was in effect right today, how many are pending right now? How many are ongoing in the state?

SENATOR KRISTENSEN: Well, Senator Hartnett, I don't have a handle on that number. I'll see if I can find out while I'm doing...

SENATOR HARTNETT: Okay.