

the appeal...or where more money would enter the system as the costs get higher and higher within a county, how do you propose counties to be helped beyond the advice and consent, if I can use those terms?

SENATOR KRISTENSEN: Well, I think that the real money savings for a county is, obviously, that someone paid by a state salary comes out and either does the trial, or they may do the appeal, or they may do the postconviction case. And the county doesn't have to hire someone on a per hour basis to do that.

SENATOR WEHRBEIN: Okay.

SENATOR KRISTENSEN: And, in other words, if you're going to pay them by the hour, that's where you get into all the expenses. And, obviously, that's the reason Douglas County, for example, went to a public defender system because it's cheaper to use a public defender that gets paid a salary than it is to hire a lot of people, plus the Douglas County attorney...or public defender's office has some expertise, they see these cases all the time. They do a pretty good job. I mean, there are some good lawyers up there. But when you get to a smaller county you can't afford to just have those people sitting around, what if. And these people in this group will be the ones that will be available to go out and provide that assistance.

SENATOR WEHRBEIN: And it's still in capital cases, so we're clear. It's not going to be generally in the defense of the indigent. The \$10 million that we're using for indigent defense across the state covers all levels of criminal...

SENATOR KRISTENSEN: Yeah, it does, and that includes juveniles and what you will see though back here is that there is sort of a major case resource in terms of providing them with some assistance, forms or a phone call or something on some of the felonies. But, you know, that says you can use them basis. The Attorney General's Office has been doing that for years with the prosecution side.

SENATOR WEHRBEIN: Okay, thank you. I support this. I do understand, it made it a little simpler decision, at least a more logical decision in the counties to go to a public defender system. As I watched that myself over the years, you simply added up the cost of what your public defense was and when it got to the point that you could hire a public defender cheaper