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FLOOR DEBATE

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be done. There's been great strides actually made in this area. Now, some people are going to get uncomfortable and say, oh, my goodness, why do we want to give money for defense? Well, one is that constitutionally we have to. For those people who cannot afford their own defense, we do not get a choice. We constitutionally must defend them. And who is "we"? Well, obviously, the state, but the way our system works it's the local county. They are the ones that are charged with the expense of doing these. Senator Vrtiska could tell you long stories about the cost of trying the cases in his area. What brought this bill forward was the desire to improve not only the quality of those people out there doing criminal defense but to take a look at the entire indigent defense system; realize that we have more than just capital cases out there. Counties have really three options in which to take care of indigent defense. They can hire a full-time public defender, and there are several counties that do that. I'm looking for that number. I think that's approximately 24 counties right now have elected public defenders. But realize that those public defenders are paid to cover a lot of area. They're not allowed to have great expensive offices at all. All of them work on a shoestring. There are some very professional elected public defenders' offices. The most notable, obviously, are Lancaster and Douglas. They've been very, just as the county attorneys' offices in those counties, they have been very, very good to go out and share their expertise and to share their resources with some of the smaller counties, and that's, quite frankly, what's made the criminal system in the state work. The other is a contract public defender and that's used by roughly 17 of the counties around the state. That's where they contract. If you...if we need a public defender, you come in for a set sum of money and defend them. Almost all of those contracts will have exceptions, however, for large cases. If you're a part time public defender, you cannot afford...you will financially go under if you have a major murder case that takes place that you have to take care of, or, quite frankly, even some of the more complicated felonies. The other is by assigned counsel, and that's roughly half the state, in fact a little more than half the state. About 52 counties have a system where they assign counsel. The judge will appoint an individual to come in and do it. They have an hourly rate, and there's a variety of cases