



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
HB4608

Introduced 02/04/04, by Annazette Collins

SYNOPSIS AS INTRODUCED:

55 ILCS 5/3-4006

from Ch. 34, par. 3-4006

Amends the Counties Code. Authorizes the Public Defender to represent, without fee and appointment by the court, a person in custody during his or her interrogation regarding first-degree murder for which the death penalty may be imposed; provided that person has requested the advice of counsel and there is a reasonable belief that the person is indigent. In any other case, provides that the court shall appoint the Public Defender to represent any arrested individual when he or she is brought before the court, the court advises the arrestee of his or her right to counsel, and the court determines that the arrestee is indigent.

LRB093 19504 MKM 45244 b

1 AN ACT concerning counties.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Counties Code is amended by changing Section
5 3-4006 as follows:

6 (55 ILCS 5/3-4006) (from Ch. 34, par. 3-4006)

7 Sec. 3-4006. Duties of public defender. The Public
8 Defender, as directed by the court, shall act as attorney,
9 without fee, before any court within any county for all persons
10 who are held in custody or who are charged with the commission
11 of any criminal offense, and who the court finds are unable to
12 employ counsel.

13 The Public Defender shall be the attorney, without fee,
14 when so appointed by the court under Section 1-20 of the
15 Juvenile Court Act or Section 1-5 of the Juvenile Court Act of
16 1987 or by any court under Section 5(b) of the Parental Notice
17 of Abortion Act of 1983 for any party who the court finds is
18 financially unable to employ counsel.

19 The Public Defender may act as attorney, without fee and
20 appointment by the court, for a person in custody during the
21 person's interrogation regarding first degree murder for which
22 the death penalty may be imposed, if the person has requested
23 the advice of counsel and there is a reasonable belief that the
24 person is indigent. Any further representation of the person by
25 the Public Defender shall be pursuant to Section 109-1 of the
26 Code of Criminal Procedure of 1963.

27 Every court shall, with the consent of the defendant and
28 where the court finds that the rights of the defendant would be
29 prejudiced by the appointment of the public defender, appoint
30 counsel other than the public defender, except as otherwise
31 provided in Section 113-3 of the "Code of Criminal Procedure of
32 1963". That counsel shall be compensated as is provided by law.

1 He shall also, in the case of the conviction of any such
2 person, prosecute any proceeding in review which in his
3 judgment the interests of justice require.

4 (Source: P.A. 86-962.)