

HB1896



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB1896

by Rep. Jim Durkin

SYNOPSIS AS INTRODUCED:

55 ILCS 5/3-4006

from Ch. 34, par. 3-4006

Amends the Counties Code. Makes a technical change in a Section concerning the duties of the Public Defender.

LRB100 04428 AWJ 14434 b

A BILL FOR

1 AN ACT concerning local government.

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 ~~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 In cases subject to Section 5-170 of the Juvenile Court Act
20 of 1987 involving a minor who was under 15 years of age at the
21 time of the commission of the offense, that occurs in a county
22 with a full-time public defender office, a public defender,
23 without fee or appointment, may represent and have access to a

1 minor during a custodial interrogation. In cases subject to
2 Section 5-170 of the Juvenile Court Act of 1987 involving a
3 minor who was under 15 years of age at the time of the
4 commission of the offense, that occurs in a county without a
5 full-time public defender, the law enforcement agency
6 conducting the custodial interrogation shall ensure that the
7 minor is able to consult with an attorney who is under contract
8 with the county to provide public defender services.
9 Representation by the public defender shall terminate at the
10 first court appearance if the court determines that the minor
11 is not indigent.

12 Every court shall, with the consent of the defendant and
13 where the court finds that the rights of the defendant would be
14 prejudiced by the appointment of the public defender, appoint
15 counsel other than the public defender, except as otherwise
16 provided in Section 113-3 of the "Code of Criminal Procedure of
17 1963". That counsel shall be compensated as is provided by law.
18 He shall also, in the case of the conviction of any such
19 person, prosecute any proceeding in review which in his
20 judgment the interests of justice require.

21 (Source: P.A. 99-882, eff. 1-1-17.)