

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  
5 Section 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  
10 persons who are held in custody or who are charged with the  
11 commission of any criminal offense, and who the court finds  
12 are unable to 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  
16 of 1987 or by any court under Section 5(b) of the Parental  
17 Notice of Abortion Act of 1983 for any party who the court  
18 finds is 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  
22 which the death penalty may be imposed, if the person has  
23 requested the advice of counsel and there is a reasonable  
24 belief that the person is indigent. Any further  
25 representation of the person by the Public Defender shall be  
26 pursuant to Section 109-1 of the Code of Criminal Procedure  
27 of 1963.

28 Every court shall, with the consent of the defendant and  
29 where the court finds that the rights of the defendant would  
30 be prejudiced by the appointment of the public defender,  
31 appoint counsel other than the public defender, except as

1 otherwise provided in Section 113-3 of the "Code of Criminal  
2 Procedure of 1963". That counsel shall be compensated as is  
3 provided by law. He shall also, in the case of the conviction  
4 of any such person, prosecute any proceeding in review which  
5 in his judgment the interests of justice require.

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