



## 93RD GENERAL ASSEMBLY

### State of Illinois

### 2003 and 2004

Introduced 2/4/2004, by Donne E. Trotter

#### SYNOPSIS AS INTRODUCED:

725 ILCS 124/5

Amends the Capital Crimes Litigation Act. Makes a technical change to a Section concerning the appointment of trial counsel in death penalty cases.

LRB093 16132 RLC 41764 b

1 AN ACT concerning criminal law.

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

4 Section 5. The Capital Crimes Litigation Act is amended by  
5 changing Section 5 as follows:

6 (725 ILCS 124/5)

7 Sec. 5. Appointment of trial counsel in death penalty  
8 cases. If an indigent defendant is charged with an offense for  
9 which a sentence of death is authorized, and the State's  
10 Attorney has not, at or before arraignment, filed a certificate  
11 indicating he or she will not seek the death penalty or stated  
12 on the record in open court that the death penalty will not be  
13 sought, the trial court shall immediately appoint the Public  
14 Defender, or such other qualified attorney or attorneys as the  
15 Illinois Supreme Court shall by rule provide, to represent the  
16 defendant as trial counsel. If the Public Defender is  
17 appointed, he or she shall immediately assign an ~~such~~ attorney  
18 or attorneys who are public defenders to represent the  
19 defendant. The counsel shall meet the qualifications as the  
20 Supreme Court shall by rule provide.

21 (Source: P.A. 91-589, eff. 1-1-00.)