

1 AN ACT concerning right to counsel.

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

4 Section 5. The Juvenile Court Act of 1987 is amended by
5 changing Section 5-170 as follows:

6 (705 ILCS 405/5-170)

7 Sec. 5-170. Representation by counsel.

8 (a) In a proceeding under this Article, a minor who was
9 under 13 years of age at the time of the commission of an act
10 that if committed by an adult would be a violation of Section
11 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 12-13, 12-14,
12 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 must be
13 represented by counsel during the entire custodial
14 interrogation of the minor.

15 (b) In a judicial proceeding under this Article, a minor
16 may not waive the right to the assistance of counsel in his or
17 her defense.

18 (Source: P.A. 91-915, eff. 1-1-01; 92-16, eff. 6-28-01.)

19 Section 10. The Code of Criminal Procedure of 1963 is
20 amended by adding Section 115-1.5 as follows:

21 (725 ILCS 5/115-1.5 new)

22 Sec. 115-1.5. Waiver of counsel by persons under 17 years
23 of age prohibited. A person under 17 years of age may not waive
24 the right to the assistance of counsel in his or her defense in
25 any judicial proceeding. This Section does not apply to a minor
26 charged with an offense for which the penalty is a fine only.
27 Except for violations of Sections 11-401, 11-402, 11-501, and
28 11-503 of the Illinois Vehicle Code, this Section does not
29 apply to proceedings involving violations of the Illinois
30 Vehicle Code.

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.