

# SB1039



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

SB1039

Introduced 2/6/2009, by Sen. John J. Cullerton

#### SYNOPSIS AS INTRODUCED:

725 ILCS 124/5

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

LRB096 07103 RLC 17189 b

A BILL FOR

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 ~~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 such attorney or  
18 attorneys who are public defenders to represent the defendant.  
19 The counsel shall meet the qualifications as the Supreme Court  
20 shall by rule provide. At the request of court appointed  
21 counsel in a case in which the death penalty is sought,  
22 attorneys employed by the State Appellate Defender may enter an  
23 appearance for the limited purpose of assisting counsel

1 appointed under this Section.

2 (Source: P.A. 94-340, eff. 1-1-06.)