

SB2973



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB2973

Introduced 2/1/2012, by Sen. Christine Radogno

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.

LRB097 16589 KMW 61761 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 Every court shall, with the consent of the defendant and
20 where the court finds that the rights of the defendant would be
21 prejudiced by the appointment of the public defender, appoint
22 counsel other than the public defender, except as otherwise
23 provided in Section 113-3 of the "Code of Criminal Procedure of

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

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