

# HB5217



## 99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB5217

by Rep. Michael J. Madigan

### 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.

LRB099 17329 AWJ 41687 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.)