

1 AN ACT concerning counsel in capital cases.

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

4 Section 5. The Code of Criminal Procedure of 1963 is
5 amended by changing Section 121-13 as follows:

6 (725 ILCS 5/121-13) (from Ch. 38, par. 121-13)

7 Sec. 121-13. Pauper Appeals.

8 (a) In any case wherein the defendant was convicted of a
9 felony, if the court determines that the defendant desires
10 counsel on appeal but is indigent the Public Defender or the
11 State Appellate Defender shall be appointed as counsel,
12 unless with the consent of the defendant and for good cause
13 shown, the court may appoint counsel other than the Public
14 Defender or the State Appellate Defender.

15 (b) In any case wherein the defendant was convicted of a
16 felony and a sentence of death was not imposed in the trial
17 court the reviewing court, upon petition of the defendant's
18 counsel made not more frequently than every 60 days after
19 appointment, shall determine a reasonable amount to be
20 allowed an indigent defendant's counsel other than the Public
21 Defender or the State Appellate Defender for compensation and
22 reimbursement of expenditures necessarily incurred in the
23 prosecution of the appeal or review proceedings. The
24 compensation shall not exceed \$1500 in each case, except
25 that, in extraordinary circumstances, payment in excess of
26 the limits herein stated may be made if the reviewing court
27 certifies that the payment is necessary to provide fair
28 compensation for protracted representation. The reviewing
29 court shall enter an order directing the county treasurer of
30 the county where the case was tried to pay the amount allowed
31 by the court. The reviewing court may order the provisional

1 payment of sums during the pendency of the cause.

2 (c) In any case in which a sentence of death was imposed
3 in the trial court, the Supreme Court, upon written petition
4 of the defendant's counsel made not more than every 60 days
5 after appointment, shall determine reasonable compensation
6 for an indigent defendant's attorneys on appeal. The
7 compensation shall be a reasonable fee based upon the
8 compensation of attorneys who represent defendants in capital
9 cases on appeal in the county with jurisdiction over the
10 case. not--exceed--\$2,000--in--each--case,--except--that,--in
11 extraordinary--circumstances,--payment-in-excess-of-the-limits
12 herein-stated-may-be-made-if-the--reviewing--court--certifies
13 that--the--payment--is-necessary-to-provide-fair-compensation
14 for-protracted-representation. The Supreme Court shall enter
15 an order directing the State county treasurer, or the Cook
16 County Treasurer if the case was tried in Cook County, of-the
17 county--where--the--case--was--tried to pay compensation and
18 reimburse expenditures necessarily incurred in the
19 prosecution of the appeal or review proceedings from the
20 Capital Litigation Trust Fund or from the grant moneys to the
21 Cook County Treasurer, as the case may be. The Supreme Court
22 may order the provisional payment of sums during the pendency
23 of the cause.

24 (Source: P.A. 86-318; 87-580.)

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.