



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB3599

Introduced 2/24/2005, by Rep. Kurt M. Granberg

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.

LRB094 11330 RCE 42158 b

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.

21 (Source: P.A. 91-589, eff. 1-1-00.)