

AN ACT concerning local government.

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

Section 5. The Counties Code is amended by changing Section 3-4006 as follows:

(55 ILCS 5/3-4006) (from Ch. 34, par. 3-4006)

Sec. 3-4006. Duties of public defender. The public defender ~~Public Defender~~, as directed by the court, shall act as attorney, without fee, before any court within any county for all persons who are held in custody or who are charged with the commission of any criminal offense, and who the court finds are unable to employ counsel.

The public defender ~~Public Defender~~ shall be the attorney, without fee, when so appointed by the court under Section 1-5 of the Juvenile Court Act of 1987.

In cases subject to Section 5-170 of the Juvenile Court Act of 1987 involving a minor who was under 15 years of age at the time of the commission of the offense, that occurs in a county with a full-time public defender office, a public defender, without fee or appointment, may represent and have access to a minor during a custodial interrogation. In cases subject to Section 5-170 of the Juvenile Court Act of 1987 involving a minor who was under 15 years of age at the time of

the commission of the offense, that occurs in a county without a full-time public defender, the law enforcement agency conducting the custodial interrogation shall ensure that the minor is able to consult with an attorney who is under contract with the county to provide public defender services. Representation by the public defender shall terminate at the first court appearance if the court determines that the minor is not indigent.

Every court shall, with the consent of the defendant and where the court finds that the rights of the defendant would be prejudiced by the appointment of the public defender, appoint counsel other than the public defender, except as otherwise provided in Section 113-3 of the "Code of Criminal Procedure of 1963". That counsel shall be compensated as is provided by law. He shall also, in the case of the conviction of any such person, prosecute any proceeding in review which in his judgment the interests of justice require.

In counties with a population over 3,000,000, the public defender, without fee or appointment and with the concurrence of the county board, may act as attorney to noncitizens in immigration cases. Representation by the public defender in immigration cases shall be limited to those arising or being heard within the geographical boundaries of the county where the public defender has been appointed to office and to those of county residents with immigration cases outside of the county unless the board authorizes the public defender to

provide representation beyond those limits.

After the public defender has been appointed to represent a defendant in a criminal case, the public defender may choose to represent the client in a statutory summary suspension proceeding under Section 2-118.1 of the Illinois Vehicle Code arising from the same arrest. This Section shall not be construed to establish a right to counsel in a statutory summary suspension proceeding under Section 2-118.1 of the Illinois Vehicle Code.

(Source: P.A. 104-225, eff. 8-15-25; revised 12-12-25.)