



Rep. Rick Ryan

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10400HB4217ham001

LRB104 16525 RTM 34444 a

1 AMENDMENT TO HOUSE BILL 4217

2 AMENDMENT NO. _____. Amend House Bill 4217 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Counties Code is amended by changing
5 Section 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 public
8 defender ~~Public Defender~~, as directed by the court, shall act
9 as attorney, without fee, before any court within any county
10 for all persons who are held in custody or who are charged with
11 the commission of any criminal offense, and who the court
12 finds are unable to employ counsel.

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

16 In cases subject to Section 5-170 of the Juvenile Court

1 Act of 1987 involving a minor who was under 15 years of age at
2 the time of the commission of the offense, that occurs in a
3 county with a full-time public defender office, a public
4 defender, without fee or appointment, may represent and have
5 access to a minor during a custodial interrogation. In cases
6 subject to Section 5-170 of the Juvenile Court Act of 1987
7 involving a minor who was under 15 years of age at the time of
8 the commission of the offense, that occurs in a county without
9 a full-time public defender, the law enforcement agency
10 conducting the custodial interrogation shall ensure that the
11 minor is able to consult with an attorney who is under contract
12 with the county to provide public defender services.
13 Representation by the public defender shall terminate at the
14 first court appearance if the court determines that the minor
15 is not indigent.

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

25 In counties with a population over 3,000,000, the public
26 defender, without fee or appointment and with the concurrence

1 of the county board, may act as attorney to noncitizens in
2 immigration cases. Representation by the public defender in
3 immigration cases shall be limited to those arising or being
4 heard within the geographical boundaries of the county where
5 the public defender has been appointed to office and to those
6 of county residents with immigration cases outside of the
7 county unless the board authorizes the public defender to
8 provide representation beyond those limits.

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

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