

SB3416



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB3416

Introduced 2/4/2026, by Sen. Robert F. Martwick

SYNOPSIS AS INTRODUCED:

55 ILCS 5/3-4006

from Ch. 34, par. 3-4006

Amends the Officers and Employees Article of the Counties Code. Allows a public defender who is representing a client in a criminal case to also represent the client in a statutory summary suspension proceeding under a specified provision in the Illinois Vehicle Code arising from the same arrest.

LRB104 20073 RTM 33524 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
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
17 Act of 1987 involving a minor who was under 15 years of age at
18 the time of the commission of the offense, that occurs in a
19 county with a full-time public defender office, a public
20 defender, without fee or appointment, may represent and have
21 access to a minor during a custodial interrogation. In cases
22 subject to Section 5-170 of the Juvenile Court Act of 1987
23 involving a minor who was under 15 years of age at the time of

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

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

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

1 provide representation beyond those limits.

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

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