



Rep. Jennifer Gong-Gershowitz

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10200HB2790ham001

LRB102 14594 AWJ 22450 a

1 AMENDMENT TO HOUSE BILL 2790

2 AMENDMENT NO. _____. Amend House Bill 2790 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, as directed by the court, shall act as attorney,
9 without fee, before any court within any county for all
10 persons who are held in custody or who are charged with the
11 commission of any criminal offense, and who the court finds
12 are unable to employ counsel.

13 The Public Defender shall be the attorney, without fee,
14 when so appointed by the court under Section 1-20 of the
15 Juvenile Court Act or Section 1-5 of the Juvenile Court Act of
16 1987 or by any court under Section 5(b) of the Parental Notice

1 of Abortion Act of 1983 for any party who the court finds is
2 financially unable to employ counsel.

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

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

1 judgment the interests of justice require.

2 In counties with a population over 3,000,000, the public
3 defender, without fee or appointment and with the concurrence
4 of the county board, may act as attorney to noncitizens in
5 immigration cases. Representation by the public defender in
6 immigration cases shall be limited to those arising in
7 immigration courts located within the geographical boundaries
8 of the county where the public defender has been appointed to
9 office unless the board authorizes the public defender to
10 provide representation outside the county.

11 (Source: P.A. 99-882, eff. 1-1-17.)"