



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
SB2535

Introduced 2/3/2004, by John J. Cullerton

SYNOPSIS AS INTRODUCED:

55 ILCS 5/3-4006

from Ch. 34, par. 3-4006

Amends the Counties Code. Makes technical changes in a Section concerning the duties of the Public Defender.

LRB093 18599 RLC 44323 b

1 AN ACT concerning counties.

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 Section
5 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 persons
10 who are held in custody or who are charged with the commission
11 of any criminal offense, and who the court finds are unable to
12 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
17 of Abortion Act of 1983 for any party who the court finds is
18 financially unable to employ counsel.

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

28 (Source: P.A. 86-962.)