



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

SB1953

Introduced 2/25/2005, by Sen. Kwame Raoul

#### SYNOPSIS AS INTRODUCED:

705 ILCS 405/5-170  
725 ILCS 5/115-1.5 new

Amends the Juvenile Court Act of 1987. Provides that in a delinquency proceeding, a minor may not waive the right to the assistance of counsel in his or her defense. Amends the the Code of Criminal Procedure of 1963. Provides that a person under 17 years of age may not waive the right to the assistance of counsel in his or her defense in any judicial proceeding. Provides that except for the offenses of leaving the scene of an accident involving death or personal injuries or damage to a vehicle, driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, reckless driving, and aggravated reckless driving, this provision does not apply to proceedings involving violations of the Illinois Vehicle Code. Effective immediately.

LRB094 10678 RLC 41051 b

1 AN ACT concerning right to counsel.

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

4 Section 5. The Juvenile Court Act of 1987 is amended by  
5 changing Section 5-170 as follows:

6 (705 ILCS 405/5-170)

7 Sec. 5-170. Representation by counsel.

8 (a) In a proceeding under this Article, a minor who was  
9 under 13 years of age at the time of the commission of an act  
10 that if committed by an adult would be a violation of Section  
11 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 12-13, 12-14,  
12 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 must be  
13 represented by counsel during the entire custodial  
14 interrogation of the minor.

15 (b) In a proceeding under this Article, a minor may not  
16 waive the right to the assistance of counsel in his or her  
17 defense.

18 (Source: P.A. 91-915, eff. 1-1-01; 92-16, eff. 6-28-01.)

19 Section 10. The Code of Criminal Procedure of 1963 is  
20 amended by adding Section 115-1.5 as follows:

21 (725 ILCS 5/115-1.5 new)

22 Sec. 115-1.5. Waiver of counsel by persons under 17 years  
23 of age prohibited. A person under 17 years of age may not waive  
24 the right to the assistance of counsel in his or her defense in  
25 any judicial proceeding. Except for violations of Sections  
26 11-401, 11-402, 11-501, and 11-503 of the Illinois Vehicle  
27 Code, this Section does not apply to proceedings involving  
28 violations of the Illinois Vehicle Code.

29 Section 99. Effective date. This Act takes effect upon  
30 becoming law.