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09300SB2535sam001

LRB093 18599 RLC 48002 a

1 AMENDMENT TO SENATE BILL 2535

2 AMENDMENT NO. _____. Amend Senate Bill 2535 on page 1, by
3 inserting between lines 27 and 28 the following:

4 "In a homicide case occurring in a county with a full-time
5 public defender office, the public defender, without fee or
6 appointment, shall be authorized to represent and have personal
7 access to a suspect during a custodial interrogation when: (1)
8 the suspect invokes his or her right to counsel and completes a
9 statement of indigence as required for appointment of a public
10 defender; and (2) the law enforcement officers interrogating
11 the suspect have a reasonable belief that the suspect is
12 indigent, based upon the statement of indigence, with any doubt
13 as to indigency being resolved in favor of allowing access to
14 the public defender; and (3) the facts of the case as known to
15 the law enforcement officers at the time of the interrogation
16 indicate that one or more of the aggravating factors set forth
17 in Section 9-1 of the Criminal Code of 1961 are present. Doubt
18 as to the presence of one or more aggravating factors shall be
19 resolved in favor of allowing access to the public defender. In
20 counties that do not have a full-time public defender, a good
21 faith effort shall be made to ensure that the suspect has the
22 opportunity to consult with an attorney under contract to
23 provide public defender services in as timely a manner as is
24 practicable following invocation of his or her right to
25 counsel, provided that the conditions set forth in clauses(2)
26 and (3) are also met. Representation by the public defender

1 shall be terminated at the first court appearance if the court
2 determines that the suspect is not indigent.".