



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB2117

Introduced 2/14/2008, by Sen. Kwame Raoul

SYNOPSIS AS INTRODUCED:

705 ILCS 405/5-170

Amends the Juvenile Court Act of 1987. Provides that a minor under 17 (rather than under 13) years of age at the time of the commission of an act that if committed by an adult would be a homicide or criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, criminal sexual abuse, or aggravated criminal sexual abuse must be represented by counsel during the entire custodial interrogation of the minor. Eliminates the limitation that the representation by counsel is only required in a proceeding under the Delinquent Minors Article of the Act.

LRB095 17563 RLC 43637 b

1 AN ACT concerning courts.

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) ~~A In a proceeding under this Article,~~ a minor who was
9 under 17 ~~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 judicial proceeding under this Article, a minor
16 may not waive the right to the assistance of counsel in his or
17 her defense.

18 (Source: P.A. 94-345, eff. 7-26-05.)