

# HB4230



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

**HB4230**

by Rep. La Shawn K. Ford

#### SYNOPSIS AS INTRODUCED:

705 ILCS 405/5-175 new  
725 ILCS 5/115-10.8 new

Amends the Juvenile Court Act of 1987 and the Code of Criminal Procedure of 1963. Provides that in any juvenile or criminal prosecution, the confession of the person is inadmissible unless: (1) made with the presence of an attorney representing the person in the room in which the confession was made; and (2) signed by both the attorney and the person who made the confession.

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A BILL FOR

1 AN ACT concerning criminal law.

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 adding Section 5-175 as follows:

6 (705 ILCS 405/5-175 new)

7 Sec. 5-175. Confession; attorney presence.

8 (a) As used in this Section, "confession" means the  
9 admission to an act that constitutes an offense whether or not  
10 the admission is made during a custodial interrogation as  
11 defined in Section 5-401.5 of this Act.

12 (b) In any proceeding under this Article, the confession of  
13 a minor is inadmissible unless:

14 (1) made with the presence of an attorney representing  
15 the minor in the room in which the confession was made; and

16 (2) signed by both the attorney and the minor who made  
17 the confession.

18 Section 10. The Code of Criminal Procedure of 1963 is  
19 amended by adding Section 115-10.8 as follows:

20 (725 ILCS 5/115-10.8 new)

21 Sec. 115-10.8. Confession; attorney presence.

1       (a) As used in this Section, "confession" means the  
2 admission to an act that constitutes an offense whether or not  
3 the admission is made during a custodial interrogation as  
4 defined in Section 103-2.1 of this Code.

5       (b) In any criminal prosecution, the confession of a  
6 defendant is inadmissible unless:

7           (1) made with the presence of an attorney representing  
8 the defendant in the room in which the confession was made;  
9 and

10          (2) signed by both the attorney and the person who made  
11 the confession.