



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB2436

Introduced 2/4/2025, by Rep. Jennifer Gong-Gershowitz

SYNOPSIS AS INTRODUCED:

55 ILCS 5/3-4006

from Ch. 34, par. 3-4006

Amends the Counties Code. Provides that, in counties with a population over 3,000,000, representation by the public defender in immigration cases shall be limited to those arising or being heard within the geographical boundaries of the county where the public defender has been appointed to office and to those of county residents with immigration cases outside of the county unless the county board authorizes the public defender to provide representation beyond those limits (rather than limited to those arising in immigration courts located within the geographical boundaries of the county where the public defender has been appointed to office unless the county board authorizes the public defender to provide representation outside the county).

LRB104 09165 RTM 19221 b

1 AN ACT concerning local government.

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
5 Section 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
10 persons who are held in custody or who are charged with the
11 commission of any criminal offense, and who the court finds
12 are unable to employ counsel.

13 The Public Defender shall be the attorney, without fee,
14 when so appointed by the court under Section 1-5 of the
15 Juvenile Court Act of 1987.

16 In cases subject to Section 5-170 of the Juvenile Court
17 Act of 1987 involving a minor who was under 15 years of age at
18 the time of the commission of the offense, that occurs in a
19 county with a full-time public defender office, a public
20 defender, without fee or appointment, may represent and have
21 access to a minor during a custodial interrogation. In cases
22 subject to Section 5-170 of the Juvenile Court Act of 1987
23 involving a minor who was under 15 years of age at the time of

1 the commission of the offense, that occurs in a county without
2 a full-time public defender, the law enforcement agency
3 conducting the custodial interrogation shall ensure that the
4 minor is able to consult with an attorney who is under contract
5 with the county to provide public defender services.
6 Representation by the public defender shall terminate at the
7 first court appearance if the court determines that the minor
8 is not indigent.

9 Every court shall, with the consent of the defendant and
10 where the court finds that the rights of the defendant would be
11 prejudiced by the appointment of the public defender, appoint
12 counsel other than the public defender, except as otherwise
13 provided in Section 113-3 of the "Code of Criminal Procedure
14 of 1963". That counsel shall be compensated as is provided by
15 law. He shall also, in the case of the conviction of any such
16 person, prosecute any proceeding in review which in his
17 judgment the interests of justice require.

18 In counties with a population over 3,000,000, the public
19 defender, without fee or appointment and with the concurrence
20 of the county board, may act as attorney to noncitizens in
21 immigration cases. Representation by the public defender in
22 immigration cases shall be limited to those arising or being
23 heard in immigration courts located within the geographical
24 boundaries of the county where the public defender has been
25 appointed to office and to those of county residents with
26 immigration cases outside of the county unless the board

1 authorizes the public defender to provide representation
2 beyond those limits ~~outside the county~~.

3 (Source: P.A. 102-410, eff. 1-1-22; 102-1117, eff. 1-13-23.)