



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB1952

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 and the Code of Criminal Procedure of 1963. Provides that in a delinquency or criminal proceeding, a minor may not waive the right to the assistance of counsel in his or her defense. Effective immediately.

LRB094 05039 RLC 35074 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 18 years
23 of age prohibited. A person under 18 years of age may not waive
24 the right to the assistance of counsel in his or her defense.

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.