

**IN THE CIRCUIT COURT
TWENTY-FOURTH JUDICIAL CIRCUIT**

IN RE:	APPOINTMENT OF THE PUBLIC)	GENERAL
	DEFENDER IN PRE-TRIAL RELEASE)	ADMINISTRATIVE
	AND DETENTION HEARINGS)	ORDER. 23-20

WHEREAS, 725 ILCS 5/109-1(a-5), as amended and effective January 1, 2023, provides:


“A person charged with an offense shall be allowed counsel at the hearing at which pretrial release is determined under Article 110 of this Code [725 ILCS 5/110-1 *et seq.*]. If the defendant desires counsel for his or her initial appearance but is unable to obtain counsel, the court shall appoint a public defender or licensed attorney at law of this State to represent him or her for purposes of that hearing.”

NOW, THEREFORE, IT IS ORDERED that when a person not represented by counsel is brought before a judge to determine pretrial release conditions or for a hearing on a petition to deny or revoke pretrial release, the public defender of the county in which the matter is pending, or its designee, shall be deemed appointed by the court as defense counsel at any such hearing, unless the person sufficiently waives his or her right to counsel on the record before the judge presiding over the matter.

IT IS FURTHER ORDERED that at the conclusion of any pretrial hearing set forth in the preceding paragraph in which the person had been unrepresented by counsel immediately prior to the hearing and the public defender of the county in which the matter is pending, or its designee, was appointed by operation of the preceding paragraph, the judge presiding over the matter shall determine, based on the defendant’s financial condition, whether the appointment of said public defender, or its designee, shall end or continue as a full appointment of counsel in all future proceedings.

IT IS FURTHER ORDERED that this Order shall become effective September 18, 2023.

Dated this 7th day of September, 2023.



Daniel J. Emge,
Chief Circuit Judge