

HB4217 & SB3416

Equal Representation for Public Defender Clients in Statutory Summary Suspension Hearings

Representative Rick Ryan & Senator Rob Martwick

This bill promotes fairness and equity for indigent defendants by allowing Public Defender's Offices to elect to represent clients in Statutory Summary Suspension (SSS) hearings related to traffic cases in which they are already appointed counsel.

THE PROBLEM

Public Defender clients are unrepresented in SSS hearings despite substantial overlap with their criminal cases.

- The Illinois Supreme Court has held that there is no right to counsel in SSS hearings because they are classified as civil—rather than criminal—proceedings.
- As a result, Public Defenders cannot represent clients in these hearings, even though they result from the same arrest and involve the same evidence, witnesses, and legal issues.
- Private attorneys routinely handle both the criminal case and SSS hearing for their client, while indigent clients are left to navigate the SSS hearing alone, without the benefit of counsel.

THE SOLUTION

Granting Public Defender's Offices the discretion to represent clients in SSS hearings will improve access to justice.

- This bill authorizes Public Defender's Offices, when appointed to represent a client in a traffic case, to extend that representation to the client's SSS hearing when appropriate.
- An opt-in system with attorney discretion promotes fairness, consistency, and court efficiency by allowing one office to handle both the criminal and civil components of the same case.
- Coordinated strategy and representation will lead to stronger outcomes in both the SSS and criminal proceedings.

THE IMPACT

This bill will level the playing field between people with the means to hire private counsel and Public Defender clients by:

- Improving case outcomes for indigent clients, who are currently more likely to lose their licenses, by ensuring that the evidence and testimony from SSS hearings can be effectively used to strengthen the client's defense in the related criminal matter.
- Reducing collateral consequences by helping to restore clients' driver's licenses, thus enabling them to access essential travel for work, school, and other family obligations.

SEE REVERSE FOR SUPPORTING ORGANIZATIONS.

Supporting Organizations

Black Women Lawyers' Association of Greater Chicago (BWLA)

Cabrini Green Legal Aid

The Chicago Bar Association

The Chicago Bar Foundation

Chicago Jobs Council

Children's Best Interest Project

Cook County Office of the President

Illinois Prison Project

Illinois State Bar Association (ISBA)

Law Office of the Cook County Public Defender

Legal Action Chicago

Treatment Alternatives for Stronger Communities (TASC)

Unitarian Universalist Prison Ministry of Illinois