

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 Sections 3-4007, 3-9012, and 4-2001 as follows:

6 (55 ILCS 5/3-4007) (from Ch. 34, par. 3-4007)

7 Sec. 3-4007. Compensation.

8 (a) The public defender shall be paid out of the county  
9 treasury, and, subject to appropriation, shall be paid by the  
10 Department of Revenue out of the Personal Property Tax  
11 Replacement Fund or the General Revenue Fund as provided in  
12 subsection (b), as the sole compensation for his or her  
13 services a salary in an amount fixed by the County Board. When  
14 a Public Defender in a county of 30,000 or more population is  
15 receiving not less than 90% of the compensation of the State's  
16 Attorney of such county, that Public Defender shall not engage  
17 in the private practice of law.

18 (b) The State must pay 66 2/3% of the public defender's  
19 annual salary. If the public defender is employed full-time in  
20 that capacity, his or her salary must be at least 90% of that  
21 county's State's attorney's annual compensation. Subject to  
22 appropriation, these amounts furnished by the State shall be  
23 payable monthly by the Department of Revenue out of the

1 Personal Property Tax Replacement Fund or the General Revenue  
2 Fund to the county in which each Public Defender is employed.

3 (b-5) If a county board adopts a resolution or ordinance to  
4 provide additional salary for the State's Attorney under  
5 subsection (a-5) of Section 4-2001 of this Code, the county  
6 board shall, by resolution, authorize an additional salary  
7 increase, equal to at least 90% of the additional salary  
8 provided for the State's Attorney, for any full-time Public  
9 Defender in the county to be paid from the county treasury. The  
10 additional salary shall be effective for the Public Defender  
11 immediately, if the resolution or ordinance for the State's  
12 Attorney was immediately effective, or at the beginning of the  
13 next term of the Public Defender commencing at least 180 days  
14 after the county board adopts the resolution or ordinance.

15 (c) In cases where 2 or more adjoining counties have joined  
16 to form a common office of Public Defender, the salary of the  
17 Public Defender shall be set and paid as provided by a joint  
18 resolution of the various county boards involved. Under  
19 subsection (b-5), each county board shall approve, by  
20 resolution or ordinance, any provision for additional salary  
21 for the Public Defender consistent with the counties' joint  
22 resolution to pay the Public Defender.

23 (Source: P.A. 97-72, eff. 7-1-11.)

24 (55 ILCS 5/3-9012) (from Ch. 34, par. 3-9012)

25 Sec. 3-9012. Compensation. A State's attorney who serves 2

1 or more counties shall receive such compensation from the State  
2 Treasury as is provided by law for the State's attorney of a  
3 single county. He shall be paid by the counties such  
4 compensation as may be agreed upon by the county boards within  
5 the salary range prescribed by law applicable to a single  
6 county with a population equal to the combined population of  
7 the counties he serves. Unless the county boards agree upon a  
8 lesser amount, he shall be paid the highest permissible salary  
9 within such range. The amount to be paid by the counties shall  
10 be apportioned among them on the basis of their population.  
11 Seventy-five percent (75%) of the amount provided by law to be  
12 paid from the State treasury for the services of the State's  
13 attorney in the case of a single county is payable to each of  
14 the counties served by the same State's attorney, except that  
15 the amounts paid to those counties under this Section in any  
16 year may not exceed, in the aggregate, the annual salary paid  
17 to that State's attorney from both county and State funds, in  
18 which case reduction of the State's contribution to each county  
19 shall be reduced proportionately according to population of  
20 each participating county.

21 When the salary is raised under subsection (a-5) of Section  
22 4-2001 of this Code for a State's Attorney who serve 2 or more  
23 counties, each county board shall approve, by resolution or  
24 ordinance, any provision for additional salary for the State's  
25 Attorney consistent with the apportionment based upon county  
26 population.

1 (Source: P.A. 86-962.)

2 (55 ILCS 5/4-2001) (from Ch. 34, par. 4-2001)

3 Sec. 4-2001. State's attorney salaries.

4 (a) There shall be allowed to the several state's attorneys  
5 in this State, except the state's attorney of Cook County, the  
6 following annual salary:

7 (1) Subject to paragraph (5), to each state's attorney  
8 in counties containing less than 10,000 inhabitants,  
9 \$40,500 until December 31, 1988, \$45,500 until June 30,  
10 1994, and \$55,500 thereafter or as set by the Compensation  
11 Review Board, whichever is greater.

12 (2) Subject to paragraph (5), to each state's attorney  
13 in counties containing 10,000 or more inhabitants but less  
14 than 20,000 inhabitants, \$46,500 until December 31, 1988,  
15 \$61,500 until June 30, 1994, and \$71,500 thereafter or as  
16 set by the Compensation Review Board, whichever is greater.

17 (3) Subject to paragraph (5), to each state's attorney  
18 in counties containing 20,000 or more but less than 30,000  
19 inhabitants, \$51,000 until December 31, 1988, \$65,000  
20 until June 30, 1994, and \$75,000 thereafter or as set by  
21 the Compensation Review Board, whichever is greater.

22 (4) To each state's attorney in counties of 30,000 or  
23 more inhabitants, \$65,500 until December 31, 1988, \$80,000  
24 until June 30, 1994, and \$96,837 thereafter or as set by  
25 the Compensation Review Board, whichever is greater.

1           (5) Effective December 1, 2000, to each state's  
2 attorney in counties containing fewer than 30,000  
3 inhabitants, the same salary plus any cost of living  
4 adjustments as authorized by the Compensation Review Board  
5 to take effect after January 1, 1999, for state's attorneys  
6 in counties containing 20,000 or more but fewer than 30,000  
7 inhabitants, or as set by the Compensation Review Board  
8 whichever is greater.

9           The State shall furnish 66 2/3% of the total annual  
10 compensation to be paid to each state's attorney in Illinois  
11 based on the salary in effect on December 31, 1988, and, except  
12 as otherwise provided in subsection (a-5), 100% of the  
13 increases in salary taking effect after December 31, 1988.

14           Subject to appropriation, said amounts furnished by the  
15 State shall be payable monthly by the Department of Revenue out  
16 of the Personal Property Tax Replacement Fund or the General  
17 Revenue Fund to the county in which each state's attorney is  
18 elected.

19           Each county shall be required to furnish 33 1/3% of the  
20 total annual compensation to be paid to each state's attorney  
21 in Illinois based on the salary in effect on December 31, 1988.

22           Within 90 days after the effective date of this amendatory  
23 Act of the 96th General Assembly, the county board of any  
24 county with a population between 15,000 and 50,000 by  
25 resolution or ordinance may increase the amount of compensation  
26 to be paid to each eligible state's attorney in their county in

1 the form of a longevity stipend which shall be added to and  
2 become part of the salary of the state's attorney for that  
3 year. To be eligible, the state's attorney must have served in  
4 the elected position for at least 20 continuous years and elect  
5 to participate in a program for an alternative annuity for  
6 county officers and make the required additional optional  
7 contributions as authorized by P.A. 90-32.

8 (a-5) Notwithstanding any provision of the Compensation  
9 Review Act or subsection (a) of this Section to the contrary, a  
10 county board may provide for additional salary for the State's  
11 Attorney to be paid from the county treasury in addition to the  
12 salary authorized by subsection (a). Within 90 days after the  
13 effective date of this amendatory Act of the 100th General  
14 Assembly, a county board may, by resolution or ordinance,  
15 provide for the additional salary authorized by this subsection  
16 for the State's Attorney to have immediate effect. On and after  
17 90 days after the effective date of this amendatory Act of the  
18 100th General Assembly, any changes to the provision of  
19 additional salary for the State's Attorney authorized by this  
20 subsection by a county board shall become effective at the  
21 beginning of the next term of the State's Attorney commencing  
22 at least 180 days after the county board adopts the resolution  
23 or ordinance.

24 (b) Effective December 1, 2000, no state's attorney may  
25 engage in the private practice of law. However, until November  
26 30, 2000, (i) the state's attorneys in counties containing

1 fewer than 10,000 inhabitants may engage in the practice of  
2 law, and (ii) in any county between 10,000 and 30,000  
3 inhabitants or in any county containing 30,000 or more  
4 inhabitants which reached that population between 1970 and  
5 December 31, 1981, the state's attorney may declare his or her  
6 intention to engage in the private practice of law, and may do  
7 so through no later than November 30, 2000, by filing a written  
8 declaration of intent to engage in the private practice of law  
9 with the county clerk. The declaration of intention shall be  
10 irrevocable during the remainder of the term of office. The  
11 declaration shall be filed with the county clerk within 30 days  
12 of certification of election or appointment, or within 60 days  
13 of March 15, 1989, whichever is later. In that event the annual  
14 salary of such state's attorney shall be as follows:

15 (1) In counties containing 10,000 or more inhabitants  
16 but less than 20,000 inhabitants, \$46,500 until December  
17 31, 1988, \$51,500 until June 30, 1994, and \$61,500  
18 thereafter or as set by the Compensation Review Board,  
19 whichever is greater. The State shall furnish 100% of the  
20 increases taking effect after December 31, 1988.

21 (2) In counties containing 20,000 or more inhabitants  
22 but less than 30,000 inhabitants, and in counties  
23 containing 30,000 or more inhabitants which reached said  
24 population between 1970 and December 31, 1981, \$51,500  
25 until December 31, 1988, \$56,000 until June 30, 1994, and  
26 \$65,000 thereafter or as set by the Compensation Review

1 Board, whichever is greater. The State shall furnish 100%  
2 of the increases taking effect after December 31, 1988.

3 (c) In counties where a state mental health institution, as  
4 hereinafter defined, is located, one assistant state's  
5 attorney shall, subject to appropriation, receive for his  
6 services, payable monthly by the Department of Revenue out of  
7 the Personal Property Tax Replacement Fund or the General  
8 Revenue Fund to the county in which he is appointed, the  
9 following:

10 (1) To each assistant state's attorney in counties  
11 containing less than 10,000 inhabitants, the sum of \$2,500  
12 per annum;

13 (2) To each assistant state's attorney in counties  
14 containing not less than 10,000 inhabitants and not more  
15 than 20,000 inhabitants, the sum of \$3,500 per annum;

16 (3) To each assistant state's attorney in counties  
17 containing not less than 20,000 inhabitants and not more  
18 than 30,000 inhabitants, the sum of \$4,000 per annum;

19 (4) To each assistant state's attorney in counties  
20 containing not less than 30,000 inhabitants and not more  
21 than 40,000 inhabitants, the sum of \$4,500 per annum;

22 (5) To each assistant state's attorney in counties  
23 containing not less than 40,000 inhabitants and not more  
24 than 70,000 inhabitants, the sum of \$5,000 per annum;

25 (6) To each assistant state's attorney in counties  
26 containing not less than 70,000 inhabitants and not more



1 than 1,000,000 inhabitants, the sum of \$6,000 per annum.

2 (d) The population of all counties for the purpose of  
3 fixing salaries as herein provided shall be based upon the last  
4 Federal census immediately previous to the appointment of an  
5 assistant state's attorney in each county.

6 (e) At the request of the county governing authority, in  
7 counties where one or more state correctional institutions, as  
8 hereinafter defined, are located, one or more assistant state's  
9 attorneys shall, subject to appropriation, receive for their  
10 services, provided that such services are performed in  
11 connection with the state correctional institution, payable  
12 monthly by the Department of Revenue out of the Personal  
13 Property Tax Replacement Fund or the General Revenue Fund to  
14 the county in which they are appointed, the following:

15 (1) \$22,000 for each assistant state's attorney in  
16 counties with one or more State correctional institutions  
17 with a total average daily inmate population in excess of  
18 2,000, on the basis of 2 assistant state's attorneys when  
19 the total average daily inmate population exceeds 2,000 but  
20 is less than 4,000; and 3 assistant state's attorneys when  
21 such population exceeds 4,000; with reimbursement to be  
22 based on actual services rendered.

23 (2) \$15,000 per year for one assistant state's attorney  
24 in counties having one or more correctional institutions  
25 with a total average daily inmate population of between 750  
26 and 2,000 inmates, with reimbursement to be based on actual

1 services rendered.

2 (3) A maximum of \$12,000 per year for one assistant  
3 state's attorney in counties having less than 750 inmates,  
4 with reimbursement to be based on actual services rendered.

5 Upon application of the county governing authority and  
6 certification of the State's Attorney, the Director of  
7 Corrections may, in his discretion and subject to  
8 appropriation, increase the amount of salary reimbursement  
9 to a county in the event special circumstances require the  
10 county to incur extraordinary salary expenditures as a  
11 result of services performed in connection with State  
12 correctional institutions in that county.

13 In determining whether or not to increase the amount of  
14 salary reimbursement, the Director shall consider, among other  
15 matters:

16 (1) the nature of the services rendered;

17 (2) the results or dispositions obtained;

18 (3) whether or not the county was required to employ  
19 additional attorney personnel as a direct result of the  
20 services actually rendered in connection with a particular  
21 service to a State correctional institution.

22 (f) In counties where a State senior institution of higher  
23 education is located, the assistant state's attorneys  
24 specified by this Section shall, subject to appropriation,  
25 receive for their services, payable monthly by the Department  
26 of Revenue out of the Personal Property Tax Replacement Fund or

1 the General Revenue Fund to the county in which appointed, the  
2 following:

3 (1) \$14,000 per year each for employment on a full time  
4 basis for 2 assistant state's attorneys in counties having  
5 a State university or State universities with combined full  
6 time enrollment of more than 15,000 students.

7 (2) \$7,200 per year for one assistant state's attorney  
8 with no limitation on other practice in counties having a  
9 State university or State universities with combined full  
10 time enrollment of 10,000 to 15,000 students.

11 (3) \$4,000 per year for one assistant state's attorney  
12 with no limitation on other practice in counties having a  
13 State university or State universities with combined full  
14 time enrollment of less than 10,000 students.

15 Such salaries shall be paid to the state's attorney and the  
16 assistant state's attorney in equal monthly installments by  
17 such county out of the county treasury provided that, subject  
18 to appropriation, the Department of Revenue shall reimburse  
19 each county monthly, out of the Personal Property Tax  
20 Replacement Fund or the General Revenue Fund, the amount of  
21 such salary. This Section shall not prevent the payment of such  
22 additional compensation to the state's attorney or assistant  
23 state's attorney of any county, out of the treasury of that  
24 county as may be provided by law.

25 (g) For purposes of this Section, "State mental health  
26 institution" means any institution under the jurisdiction of

1 the Department of Human Services that is listed in Section 4 of  
2 the Mental Health and Developmental Disabilities  
3 Administrative Act.

4 For purposes of this Section, "State correctional  
5 institution" means any facility of the Department of  
6 Corrections including adult facilities, juvenile facilities,  
7 pre-release centers, community correction centers, and work  
8 camps.

9 For purposes of this Section, "State university" means the  
10 University of Illinois, Southern Illinois University, Chicago  
11 State University, Eastern Illinois University, Governors State  
12 University, Illinois State University, Northeastern Illinois  
13 University, Northern Illinois University, Western Illinois  
14 University, and any public community college which has  
15 established a program of interinstitutional cooperation with  
16 one of the foregoing institutions whereby a student, after  
17 earning an associate degree from the community college, pursues  
18 a course of study at the community college campus leading to a  
19 baccalaureate degree from the foregoing institution (also  
20 known as a "2 Plus 2" degree program).

21 (h) A number of assistant state's attorneys shall be  
22 appointed in each county that chooses to participate, as  
23 provided in this subsection, for the prosecution of  
24 alcohol-related traffic offenses. Each county shall receive  
25 monthly a subsidy for payment of the salaries and benefits of  
26 these assistant state's attorneys from State funds

1 appropriated to the Department of Revenue out of the Personal  
2 Property Tax Replacement Fund or the General Revenue Fund for  
3 that purpose. The amounts of subsidies provided by this  
4 subsection shall be adjusted for inflation each July 1 using  
5 the Consumer Price Index of the Bureau of Labor Statistics of  
6 the U.S. Department of Labor.

7 When a county chooses to participate in the subsidy program  
8 described in this subsection (h), the number of assistant  
9 state's attorneys who are prosecuting alcohol-related traffic  
10 offenses must increase according to the subsidy provided in  
11 this subsection. These appointed assistant state's attorneys  
12 shall be in addition to any other assistant state's attorneys  
13 assigned to those cases on the effective date of this  
14 amendatory Act of the 91st General Assembly, and may not  
15 replace those assistant state's attorneys. In counties where  
16 the state's attorney is the sole prosecutor, this subsidy shall  
17 be used to provide an assistant state's attorney to prosecute  
18 alcohol-related traffic offenses along with the state's  
19 attorney. In counties where the state's attorney is the sole  
20 prosecutor, and in counties where a judge presides over cases  
21 involving a variety of misdemeanors, including alcohol-related  
22 traffic matters, assistant state's attorneys appointed and  
23 subsidized by this subsection (h) may also prosecute the  
24 different misdemeanor cases at the direction of the state's  
25 attorney.

26 Assistant state's attorneys shall be appointed under this

1 subsection in the following number and counties shall receive  
2 the following annual subsidies:

3 (1) In counties with fewer than 30,000 inhabitants, one  
4 at \$35,000.

5 (2) In counties with 30,000 or more but fewer than  
6 100,000 inhabitants, one at \$45,000.

7 (3) In counties with 100,000 or more but fewer than  
8 300,000 inhabitants, 2 at \$45,000 each.

9 (4) In counties, other than Cook County, with 300,000  
10 or more inhabitants, 4 at \$50,000 each.

11 The amounts appropriated under this Section must be  
12 segregated by population classification and disbursed monthly.

13 If in any year the amount appropriated for the purposes of  
14 this subsection (h) is insufficient to pay all of the subsidies  
15 specified in this subsection, the amount appropriated shall  
16 first be prorated by the population classifications of this  
17 subsection (h) and then among the counties choosing to  
18 participate within each of those classifications. If any of the  
19 appropriated moneys for each population classification remain  
20 at the end of a fiscal year, the remainder of the moneys may be  
21 allocated to participating counties that were not fully funded  
22 during the course of the year. Nothing in this subsection  
23 prohibits 2 or more State's attorneys from combining their  
24 subsidies to appoint a joint assistant State's attorney to  
25 prosecute alcohol-related traffic offenses in multiple  
26 counties. Nothing in this subsection prohibits a State's

1 attorney from appointing an assistant State's attorney by  
2 contract or otherwise.

3 (Source: P.A. 96-259, eff. 8-11-09; 97-72, eff. 7-1-11.)

4 Section 99. Effective date. This Act takes effect upon  
5 becoming law.