



Sen. Michael Connelly

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10000SB0685sam002

LRB100 07153 AWJ 22859 a

1 AMENDMENT TO SENATE BILL 685

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 685 as follows:

3 on page 1, lines 4 through 5, by replacing "Section 4-2001"  
4 with "Sections 3-4007, 3-9012, and 4-2001"; and

5 on page 1, immediately after line 5, by inserting the  
6 following:

7 "(55 ILCS 5/3-4007) (from Ch. 34, par. 3-4007)

8 Sec. 3-4007. Compensation.

9 (a) The public defender shall be paid out of the county  
10 treasury, and, subject to appropriation, shall be paid by the  
11 Department of Revenue out of the Personal Property Tax  
12 Replacement Fund or the General Revenue Fund as provided in  
13 subsection (b), as the sole compensation for his or her  
14 services a salary in an amount fixed by the County Board. When  
15 a Public Defender in a county of 30,000 or more population is

1 receiving not less than 90% of the compensation of the State's  
2 Attorney of such county, that Public Defender shall not engage  
3 in the private practice of law.

4 (b) The State must pay 66 2/3% of the public defender's  
5 annual salary. If the public defender is employed full-time in  
6 that capacity, his or her salary must be at least 90% of that  
7 county's State's attorney's annual compensation. Subject to  
8 appropriation, these amounts furnished by the State shall be  
9 payable monthly by the Department of Revenue out of the  
10 Personal Property Tax Replacement Fund or the General Revenue  
11 Fund to the county in which each Public Defender is employed.

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

24 (c) In cases where 2 or more adjoining counties have joined  
25 to form a common office of Public Defender, the salary of the  
26 Public Defender shall be set and paid as provided by a joint

1 resolution of the various county boards involved. Under  
2 subsection (b-5), each county board shall approve, by  
3 resolution or ordinance, any provision for additional salary  
4 for the Public Defender consistent with the counties' joint  
5 resolution to pay the Public Defender.

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

7 (55 ILCS 5/3-9012) (from Ch. 34, par. 3-9012)

8 Sec. 3-9012. Compensation. A State's attorney who serves 2  
9 or more counties shall receive such compensation from the State  
10 Treasury as is provided by law for the State's attorney of a  
11 single county. He shall be paid by the counties such  
12 compensation as may be agreed upon by the county boards within  
13 the salary range prescribed by law applicable to a single  
14 county with a population equal to the combined population of  
15 the counties he serves. Unless the county boards agree upon a  
16 lesser amount, he shall be paid the highest permissible salary  
17 within such range. The amount to be paid by the counties shall  
18 be apportioned among them on the basis of their population.  
19 Seventy-five percent (75%) of the amount provided by law to be  
20 paid from the State treasury for the services of the State's  
21 attorney in the case of a single county is payable to each of  
22 the counties served by the same State's attorney, except that  
23 the amounts paid to those counties under this Section in any  
24 year may not exceed, in the aggregate, the annual salary paid  
25 to that State's attorney from both county and State funds, in

1 which case reduction of the State's contribution to each county  
2 shall be reduced proportionately according to population of  
3 each participating county.

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

10 (Source: P.A. 86-962.)"; and

11 on page 2, line 18, by changing "this subsection (a)" to  
12 "subsection (a-5)"; and

13 on page 3, by replacing lines 14 through 20 with the following:

14 "(a-5) Notwithstanding any provision of the Compensation  
15 Review Act or subsection (a) of this Section to the contrary, a  
16 county board may provide for additional salary for the State's  
17 Attorney to be paid from the county treasury in addition to the  
18 salary authorized by subsection (a). Within 90 days after the  
19 effective date of this amendatory Act of the 100th General  
20 Assembly, a county board may, by resolution or ordinance,  
21 provide for the additional salary authorized by this subsection  
22 for the State's Attorney to have immediate effect. On and after  
23 90 days after the effective date of this amendatory Act of the  
24 100th General Assembly, any changes to the provision of

1 additional salary for the State's Attorney authorized by this  
2 subsection by a county board shall become effective at the  
3 beginning of the next term of the State's Attorney commencing  
4 at least 180 days after the county board adopts the resolution  
5 or ordinance."