

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 1. Short title. This Act may be cited as the Equal
5 Justice for Immigrant Crime Victims Pilot Program Act.

6 Section 5. Definition. As used in this Act, "victim of
7 qualifying criminal activity" has the meaning given to that
8 term in the Voices of Immigrant Communities Empowering
9 Survivors (VOICES) Act.

10 Section 10. Lake County State's Attorney immigration
11 representation for crime victims pilot program.

12 (a) The Lake County State's Attorney may represent a
13 person before the United States Citizenship and Immigration
14 Services Office administrative body if:

15 (1) the person is a noncitizen who has never been
16 placed in removal proceedings;

17 (2) the Lake County State's Attorney believes the
18 person is a victim of qualifying criminal activity because
19 of a crime that occurred in Lake County;

20 (3) the person is not barred from the immigration
21 remedies before the administrative body; and

22 (4) the Lake County State's Attorney may represent the

1 person without creating a conflict of interest for the
2 Lake County State's Attorney under the Illinois Rules of
3 Professional Conduct.

4 (b) The Lake County State's Attorney may adopt policies
5 and procedures as the State's Attorney deems necessary to
6 implement, administer, and carry out the purposes of this Act.

7 (c) The Lake County State's Attorney may initiate
8 representation of noncitizen victims of qualifying crimes
9 under this Act on or before December 31, 2031. The expiration
10 of the State's Attorney's authority does not, by itself,
11 terminate or otherwise affect any representation initiated
12 under this Act on or before December 31, 2031.

13 Section 100. The Counties Code is amended by changing
14 Section 3-9005 as follows:

15 (55 ILCS 5/3-9005) (from Ch. 34, par. 3-9005)

16 Sec. 3-9005. Powers and duties of State's Attorney.

17 (a) The duty of each State's Attorney shall be:

18 (1) To commence and prosecute all actions, suits,
19 indictments and prosecutions, civil and criminal, in the
20 circuit court for the county, in which the people of the
21 State or county may be concerned.

22 (2) To prosecute all forfeited bonds and
23 recognizances, and all actions and proceedings for the
24 recovery of debts, revenues, moneys, fines, penalties and

1 forfeitures accruing to the State or the county, or to any
2 school district or road district in the county; also, to
3 prosecute all suits in the county against railroad or
4 transportation companies, which may be prosecuted in the
5 name of the People of the State of Illinois.

6 (3) To commence and prosecute all actions and
7 proceedings brought by any county officer in the county
8 officer's official capacity.

9 (4) To defend all actions and proceedings brought
10 against the county, or against any county or State
11 officer, in the county or State officer's official
12 capacity, within the county.

13 (5) To attend the examination of all persons brought
14 before any judge on habeas corpus, when the prosecution is
15 in the county.

16 (6) To attend before judges and prosecute charges of
17 felony or misdemeanor, for which the offender is required
18 to be recognized to appear before the circuit court, when
19 in the State's Attorney's power so to do.

20 (7) To give the State's Attorney's opinion, without
21 fee or reward, to any county officer in the county, upon
22 any question or law relating to any criminal or other
23 matter, in which the people or the county may be
24 concerned.

25 (8) To assist the Attorney General whenever it may be
26 necessary, and in cases of appeal from the county to the

1 Supreme Court, to which it is the duty of the Attorney
2 General to attend, the State's Attorney shall furnish the
3 Attorney General at least 10 days before such is due to be
4 filed, a manuscript of a proposed statement, brief and
5 argument to be printed and filed on behalf of the people,
6 prepared in accordance with the rules of the Supreme
7 Court. However, if such brief, argument or other document
8 is due to be filed by law or order of court within this
9 10-day period, then the State's Attorney shall furnish
10 such as soon as may be reasonable.

11 (9) To pay all moneys received by the State's Attorney
12 in trust, without delay, to the officer who by law is
13 entitled to the custody thereof.

14 (10) To notify, by first class mail, complaining
15 witnesses of the ultimate disposition of the cases arising
16 from an indictment or an information.

17 (11) To perform such other and further duties as may,
18 from time to time, be enjoined on the State's Attorney by
19 law.

20 (12) To appear in all proceedings by collectors of
21 taxes against delinquent taxpayers for judgments to sell
22 real estate, and see that all the necessary preliminary
23 steps have been legally taken to make the judgment legal
24 and binding.

25 (13) To notify, by first-class mail, the State
26 Superintendent of Education, the applicable regional

1 superintendent of schools, and the superintendent of the
2 employing school district or the chief school
3 administrator of the employing nonpublic school, if any,
4 upon the conviction of any individual known to possess a
5 certificate or license issued pursuant to Article 21 or
6 21B, respectively, of the School Code of any offense set
7 forth in Section 21B-80 of the School Code or any other
8 felony conviction, providing the name of the certificate
9 holder, the fact of the conviction, and the name and
10 location of the court where the conviction occurred. The
11 certificate holder must also be contemporaneously sent a
12 copy of the notice.

13 (b) The State's Attorney of each county shall have
14 authority to appoint one or more special investigators to
15 serve subpoenas and summonses, make return of process, and
16 conduct investigations which assist the State's Attorney in
17 the performance of the State's Attorney duties. In counties of
18 the first and second class, the fees for service of subpoenas
19 and summonses are allowed by this Section and shall be
20 consistent with those set forth in Section 4-5001 of this Act,
21 except when increased by county ordinance as provided for in
22 Section 4-5001. In counties of the third class, the fees for
23 service of subpoenas and summonses are allowed by this Section
24 and shall be consistent with those set forth in Section
25 4-12001 of this Act. A special investigator shall not carry
26 firearms except with permission of the State's Attorney and

1 only while carrying appropriate identification indicating the
2 special investigator's employment and in the performance of
3 the special investigator's assigned duties.

4 Subject to the qualifications set forth in this
5 subsection, special investigators shall be peace officers and
6 shall have all the powers possessed by investigators under the
7 State's Attorneys Appellate Prosecutor's Act.

8 No special investigator employed by the State's Attorney
9 shall have peace officer status or exercise police powers
10 unless the special investigator successfully completes the
11 basic police training course mandated and approved by the
12 Illinois Law Enforcement Training Standards Board or such
13 board waives the training requirement by reason of the special
14 investigator's prior law enforcement experience or training or
15 both. Any State's Attorney appointing a special investigator
16 shall consult with all affected local police agencies, to the
17 extent consistent with the public interest, if the special
18 investigator is assigned to areas within that agency's
19 jurisdiction.

20 Before a person is appointed as a special investigator,
21 the person's fingerprints shall be taken and transmitted to
22 the Department of State Police. The Department shall examine
23 its records and submit to the State's Attorney of the county in
24 which the investigator seeks appointment any conviction
25 information concerning the person on file with the Department.
26 No person shall be appointed as a special investigator if the

1 person has been convicted of a felony or other offense
2 involving moral turpitude. A special investigator shall be
3 paid a salary and be reimbursed for actual expenses incurred
4 in performing the special investigator's assigned duties. The
5 county board shall approve the salary and actual expenses and
6 appropriate the salary and expenses in the manner prescribed
7 by law or ordinance.

8 (c) The State's Attorney may request and receive from
9 employers, labor unions, telephone companies, and utility
10 companies location information concerning putative fathers and
11 noncustodial parents for the purpose of establishing a child's
12 paternity or establishing, enforcing, or modifying a child
13 support obligation. In this subsection, "location information"
14 means information about (i) the physical whereabouts of a
15 putative father or noncustodial parent, (ii) the putative
16 father or noncustodial parent's employer, or (iii) the salary,
17 wages, and other compensation paid and the health insurance
18 coverage provided to the putative father or noncustodial
19 parent by the employer of the putative father or noncustodial
20 parent or by a labor union of which the putative father or
21 noncustodial parent is a member.

22 (d) (Blank).

23 (e) The State's Attorney shall have the authority to enter
24 into a written agreement with the Department of Revenue for
25 pursuit of civil liability under subsection (E) of Section
26 17-1 of the Criminal Code of 2012 against persons who have

1 issued to the Department checks or other orders in violation
2 of the provisions of paragraph (1) of subsection (B) of
3 Section 17-1 of the Criminal Code of 2012, with the Department
4 to retain the amount owing upon the dishonored check or order
5 along with the dishonored check fee imposed under the Uniform
6 Penalty and Interest Act, with the balance of damages, fees,
7 and costs collected under subsection (E) of Section 17-1 of
8 the Criminal Code of 2012 or under Section 17-1a of that Code
9 to be retained by the State's Attorney. The agreement shall
10 not affect the allocation of fines and costs imposed in any
11 criminal prosecution.

12 (f) In a county with less than 2,000,000 inhabitants, and
13 only upon receipt of a written request by the superintendent
14 of the county Veterans Assistance Commission for the county in
15 which the State's Attorney is located, the State's Attorney
16 shall have the discretionary authority to render an opinion,
17 without fee or reward, upon any question of law relating to a
18 matter in which the county Veterans Assistance Commission may
19 be concerned. The State's Attorney shall have the discretion
20 to grant or decline such a request.

21 (g) The State's Attorney of Lake County may act as an
22 attorney to a noncitizen victim in accordance with the Equal
23 Justice for Immigrant Crime Victims Pilot Program Act.

24 (Source: P.A. 101-275, eff. 8-9-19; 102-56, eff. 7-9-21.)

25 Section 999. Effective date. This Act takes effect January
26 1, 2027.