



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4003

Introduced 1/8/2020, by Rep. Rita Mayfield

SYNOPSIS AS INTRODUCED:

55 ILCS 5/3-4004	from Ch. 34, par. 3-4004
55 ILCS 5/3-4004.2	from Ch. 34, par. 3-4004.2
55 ILCS 5/3-4010.1	from Ch. 34, par. 3-4010.1
55 ILCS 5/3-4013 new	
55 ILCS 5/3-4000.1 rep.	
55 ILCS 5/3-4004.1 rep.	

Amends the Public Defender and Appointed Counsel Division of the Counties Code. Provides that in counties with a population over 1,000,000, judges of the Circuit Court of the circuit in which the county is located shall appoint the Public Defender and have the ability to remove the Public Defender (rather than the board of county commissioners appointing and removing the Public Defender). Makes conforming changes. Limits home rule powers.

LRB101 15454 AWJ 64787 b

HOME RULE NOTE
ACT MAY APPLY

A BILL FOR

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 3-4004, 3-4004.2, and 3-4010.1 and adding Section
6 3-4013 as follows:

7 (55 ILCS 5/3-4004) (from Ch. 34, par. 3-4004)

8 Sec. 3-4004. Appointment of Public Defender ~~in counties~~
9 ~~under 1,000,000.~~ Upon the expiration of a term of office of a
10 Public Defender after the effective date of this amendatory Act
11 of the 101st General Assembly ~~As soon as may be after this~~
12 ~~Division becomes applicable to a county with a population under~~
13 ~~1,000,000,~~ the judges of the Circuit Court of the circuit in
14 which the county is located shall, by a majority vote of the
15 entire number of those judges, appoint to the office of Public
16 Defender a properly qualified person, who shall hold office,
17 his death or resignation not intervening, at the pleasure of
18 the judges competent to appoint. Whenever a vacancy occurs in
19 the office it shall be filled in the same manner, and the
20 person appointed to fill the vacancy shall have the same tenure
21 of office.

22 (Source: P.A. 86-962; 87-111.)

1 (55 ILCS 5/3-4004.2) (from Ch. 34, par. 3-4004.2)

2 Sec. 3-4004.2. Qualifications of Public Defender and terms
3 of employment in counties over 1,000,000. In counties with a
4 population over 1,000,000, the following qualifications and
5 terms of employment shall apply:

6 (a) The judges ~~president~~ shall select as Public Defender
7 only a person with the following qualifications: an attorney
8 whose practice of law has clearly demonstrated experience in
9 the representation of persons accused of crime; who has been
10 licensed to practice law in this State or in another state for
11 at least 5 years; who has had administrative experience; and
12 who is dedicated to the goals of providing high quality
13 representation for eligible persons and to improving the
14 quality of defense services generally.

15 (b) The Public Defender shall devote full time to the
16 duties of the public defender system and shall not otherwise
17 engage in the practice of law.

18 (c) The Public Defender, once approved by the judges, ~~Board~~
19 shall serve for 6 years and may be removed by the judges
20 ~~President~~ only for good cause or dereliction of duty after
21 notice and a hearing ~~before the Board. The effective date of~~
22 ~~this amendatory Act of 1991 shall be deemed the commencement of~~
23 ~~the term of the current public defender.~~

24 (d) The Public Defender's compensation shall be set at a
25 level that is commensurate with his qualifications and
26 experience and professionally appropriate with the

1 responsibility of the position. The Public Defender's
2 compensation shall be comparable with that paid to circuit
3 court judges, but in no event shall be more than that of the
4 State's Attorney of the county.

5 (Source: P.A. 87-111.)

6 (55 ILCS 5/3-4010.1) (from Ch. 34, par. 3-4010.1)

7 Sec. 3-4010.1. Records; reports in counties over
8 1,000,000. The public defender in counties with a population
9 over 1,000,000 shall keep a record of the services rendered by
10 him and prepare and file quarterly with the president of the
11 county board of commissioners a written report of those
12 services.

13 (Source: P.A. 87-111.)

14 (55 ILCS 5/3-4013 new)

15 Sec. 3-4013. Home rule. The selection and removal of Public
16 Defenders are exclusive powers and functions of the State. A
17 home rule county may not select or remove Public Defenders.
18 This Section is a denial and limitation of home rule powers and
19 functions under subsection (h) of Section 6 of Article VII of
20 the Illinois Constitution.

21 (55 ILCS 5/3-4000.1 rep.)

22 (55 ILCS 5/3-4004.1 rep.)

23 Section 10. The Counties Code is amended by repealing

1 Sections 3-4000.1 and 3-4004.1.