



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4056

Introduced 1/13/2020, by Rep. Michael Halpin

SYNOPSIS AS INTRODUCED:

15 ILCS 205/4

from Ch. 14, par. 4

55 ILCS 5/5-1186 new

Amends the Counties Code. Provides that the chairperson of the county board or the president or chairperson of the board of county commissioners may ask the State's Attorney to request a written opinion from the Attorney General relating to the official duties of the county board or board of county commissioners and the Attorney General may, when appropriate, furnish a written opinion in response to the request from the State's Attorney. Allows the president or chairperson, after approval of a majority of members on the county board or board of county commissioners, to request a written opinion directly from the Attorney General if the State's Attorney has not requested a written opinion within 30 days after a president's or chairperson's request to the State's Attorney. Amends the Attorney General Act making conforming changes. Effective immediately.

LRB101 14530 AWJ 63428 b

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 Attorney General Act is amended by changing
5 Section 4 as follows:

6 (15 ILCS 205/4) (from Ch. 14, par. 4)

7 Sec. 4. The duties of the Attorney General shall be--

8 First - To appear for and represent the people of the State
9 before the supreme court in all cases in which the State or the
10 people of the State are interested.

11 Second - To institute and prosecute all actions and
12 proceedings in favor of or for the use of the State, which may
13 be necessary in the execution of the duties of any State
14 officer.

15 Third - To defend all actions and proceedings against any
16 State officer, in his official capacity, in any of the courts
17 of this State or the United States.

18 Fourth - To consult with and advise the several State's
19 Attorneys in matters relating to the duties of their office;
20 and when, in his judgment, the interest of the people of the
21 State requires it, he shall attend the trial of any party
22 accused of crime, and assist in the prosecution. When the
23 Attorney General has requested in writing that a State's

1 Attorney initiate court proceedings to enforce any provisions
2 of the Election Code or to initiate a criminal prosecution with
3 respect to a violation of the Election Code, and when the
4 State's Attorney has declined in writing to initiate those
5 proceedings or prosecutions or when the State's Attorney has
6 neither initiated the proceedings or prosecutions nor
7 responded in writing to the Attorney General within 60 days of
8 the receipt of the request, the Attorney General may,
9 concurrently with or independently of the State's Attorney,
10 initiate such proceedings or prosecutions. The Attorney
11 General may investigate and prosecute any violation of the
12 Election Code at the request of the State Board of Elections or
13 a State's Attorney.

14 Fifth - To investigate alleged violations of the statutes
15 which the Attorney General has a duty to enforce and to conduct
16 other investigations in connection with assisting in the
17 prosecution of a criminal offense at the request of a State's
18 Attorney.

19 Sixth - To consult with and advise the governor and other
20 State officers, and give, when requested, written opinions upon
21 all legal or constitutional questions relating to the duties of
22 such officers respectively.

23 Seventh - To prepare, when necessary, proper drafts for
24 contracts and other writings relating to subjects in which the
25 State is interested.

26 Eighth - To give written opinions, when requested by either

1 branch of the general assembly, or any committee thereof, upon
2 constitutional or legal questions.

3 Ninth - To enforce the proper application of funds
4 appropriated to the public institutions of the State, prosecute
5 breaches of trust in the administration of such funds, and,
6 when necessary, prosecute corporations for failure or refusal
7 to make the reports required by law.

8 Tenth - To keep, a register of all cases prosecuted or
9 defended by him, in behalf of the State or its officers, and of
10 all proceedings had in relation thereto, and to deliver the
11 same to his successor in office.

12 Eleventh - To keep on file in his office a copy of the
13 official opinions issued by the Attorney General and deliver
14 same to his successor.

15 Twelfth - To pay into the State treasury all moneys
16 received by him for the use of the State.

17 Thirteenth - To attend to and perform any other duty which
18 may, from time to time, be required of him by law.

19 Fourteenth - To attend, present evidence to and prosecute
20 indictments returned by each Statewide Grand Jury.

21 Fifteenth - To give written binding and advisory public
22 access opinions as provided in Section 7 of this Act.

23 Sixteenth - To give written opinions as provided in Section
24 5-1186 of the Counties Code.

25 (Source: P.A. 95-699, eff. 11-9-07; 96-542, eff. 1-1-10.)

1 Section 10. The Counties Code is amended by adding Section
2 5-1186 as follows:

3 (55 ILCS 5/5-1186 new)

4 Sec. 5-1186. Request for Attorney General opinion.

5 (a) The chairperson of the county board or the president or
6 chairperson of the board of county commissioners may ask the
7 State's Attorney of the county to request a written opinion
8 from the Attorney General relating to the official duties of
9 the county board or board of county commissioners and the
10 Attorney General may, when appropriate, furnish a written
11 opinion in response to the request from the State's Attorney.

12 (b) If the State's Attorney has not requested an opinion
13 from the Attorney General within 30 days after receiving a
14 request to do so under subsection (a), the chairperson of the
15 county board or the president or chairperson of the board of
16 county commissioners may, after approval of a majority of
17 members on the county board or board of county commissioners,
18 request a written opinion from the Attorney General relating to
19 the official duties of the county board or board of county
20 commissioners and the Attorney General may, when appropriate,
21 furnish a written opinion in response to the request from the
22 president or chairperson.

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.