



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB4598

Introduced 2/5/2020, by Rep. Rita Mayfield

#### SYNOPSIS AS INTRODUCED:

55 ILCS 5/3-4000.1	from Ch. 34, par. 3-4000.1
55 ILCS 5/3-4004	from Ch. 34, par. 3-4004
55 ILCS 5/3-4004.5 new	

Amends the Counties Code. Provides that, beginning on July 1, 2021, upon the expiration of each Public Defender's term of office in a county with under 1,000,000 population, the chairperson of the county board or the executive of a county board of commissioners shall, after receiving a recommendation or recommendations provided by an independent citizen's advisory council, appoint the Public Defender with the advice and consent of the county board. Provides for citizen advisory council membership and appointment requirements. Excludes appointments of the same Public Defender in adjoining counties. Makes conforming changes. Effective immediately.

LRB101 18087 AWJ 67526 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 Counties Code is amended by changing  
5 Sections 3-4000.1 and 3-4004 and by adding Section 3-4004.5 as  
6 follows:

7 (55 ILCS 5/3-4000.1) (from Ch. 34, par. 3-4000.1)

8 Sec. 3-4000.1. Definitions. In this Division, except when a  
9 particular context clearly requires a different meaning, the  
10 following definitions apply:

11 "Board" means the county board of commissioners.

12 "Executive" means the county executive.

13 "President" means the president of the county board.

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

15 (55 ILCS 5/3-4004) (from Ch. 34, par. 3-4004)

16 Sec. 3-4004. Appointment of Public Defender in counties  
17 under 1,000,000 in adjoining counties. ~~In As soon as may be~~  
18 ~~after this Division becomes applicable to~~ a county with a  
19 population under 1,000,000 that appoints a Public Defender  
20 under Section 3-4003, the judges of the Circuit Court of the  
21 circuit in which the county is located shall, by a majority  
22 vote of the entire number of those judges, appoint to the

1 office of Public Defender a properly qualified person, who  
2 shall hold office, his death or resignation not intervening, at  
3 the pleasure of the judges competent to appoint. Whenever a  
4 vacancy occurs in the office it shall be filled in the same  
5 manner, and the person appointed to fill the vacancy shall have  
6 the same tenure of office.

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

8 (55 ILCS 5/3-4004.5 new)

9 Sec. 3-4004.5. Appointment of Public Defender in counties  
10 under 1,000,000. Beginning on July 1, 2021, upon the expiration  
11 of each Public Defender's term of office in a county with under  
12 1,000,000 population, the chairperson of the county board or  
13 executive shall, after receiving a recommendation or  
14 recommendations provided by an independent citizen's advisory  
15 council, appoint the Public Defender with the advice and  
16 consent of the county board. The independent citizen's advisory  
17 council shall be composed of as many members as the county  
18 board deems appropriate. The chairperson or executive shall  
19 make appointments to the independent citizen's advisory  
20 council with the advice and consent of the county board.

21 This Section does not apply to appointments where two or  
22 more adjoining counties have joined to form a common office of  
23 Public Defender.

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