



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1654

Introduced 2/8/2023, by Sen. Laura Ellman

SYNOPSIS AS INTRODUCED:

55 ILCS 5/3-4015 new
725 ILCS 105/2
725 ILCS 105/4.1 new

from Ch. 38, par. 208-2

Amends the State Appellate Defender Act. Creates the Illinois Public Defense Board within the Office of the State Appellate Defender. Provides that the Board shall be composed of 9 members. Provides that 8 of the members shall be appointed by the Governor, with the advice and consent of the Senate, and one of the members shall be the State Appellate Defender and shall serve as chairperson of the Board. Provides that the Board members shall serve terms of 4 years and may be reappointed by the Governor. Provides that the Governor may remove a member of the Board for incompetence, neglect of duty, or malfeasance in office. Provides that the Board shall appoint an Executive Director to oversee the operations of all public defenders in the State. Provides that, subject to appropriation, the Executive Director shall hire permanent staff to carry out the Board's duties. Provides that the Board shall: (1) oversee trial level indigent defense services throughout the 102 counties of the State; (2) establish uniform standards for the conduct of indigent defense services throughout the State; and (3) provide training and regional supervision of indigent defense services throughout the State. Amends the Counties Code to make a conforming change.

LRB103 28078 DTM 54457 b

1 AN ACT concerning criminal law.

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 adding Section
5 3-4015 as follows:

6 (55 ILCS 5/3-4015 new)

7 Sec. 3-4015. Subject to the Illinois Public Defense Board.
8 This Division 3-4 is subject to the provisions of Section 4.1
9 of the State Appellate Defender Act.

10 Section 10. The State Appellate Defender Act is amended by
11 adding Sections 2 and 4.1 as follows:

12 (725 ILCS 105/2) (from Ch. 38, par. 208-2)

13 Sec. 2. Definitions.

14 In this Act, unless the context clearly requires a
15 different meaning, the following definitions apply:

16 "Board" means the Illinois Public Defense Board created in
17 Section 4.1.

18 (1) "Commission" means the State Appellate Defender
19 Commission; and

20 (2) "State Appellate Defender", when used with reference
21 to representation under this Act, includes Deputy Defender and

1 Assistant Appellate Defender.

2 (Source: P.A. 77-2633.)

3 (725 ILCS 105/4.1 new)

4 Sec. 4.1. Illinois Public Defense Board.

5 (a) The Illinois Public Defense Board is created within
6 the Office of the State Appellate Defender. The Board shall be
7 composed of 9 members, 8 of whom shall be appointed by the
8 Governor, with the advice and consent of the Senate, and one of
9 whom shall be the State Appellate Defender and shall serve as
10 chairperson of the Board.

11 (b) The Board members shall serve terms of 4 years and may
12 be reappointed by the Governor. The Governor may remove a
13 member of the Board for incompetence, neglect of duty, or
14 malfeasance in office.

15 (c) Vacancies in the membership of the Board are filled in
16 the same manner as original appointments. Appointments to fill
17 vacancies occurring before the expiration of a term are for
18 the remainder of the unexpired term.

19 (d) A majority of the members of the Board shall
20 constitute a quorum to do business and the affirmative vote of
21 at least 5 members of the Board is necessary for a decision of
22 the Board.

23 (e) The Board may choose a vice-chair, secretary, and such
24 other officers as it deems necessary. The Board shall meet at
25 least quarterly per year and upon call of the chairperson or at

1 least 5 members of the Board.

2 (f) The Board shall appoint an Executive Director to
3 oversee the operations of all public defenders in this State.
4 Subject to appropriation, the Executive Director shall hire
5 permanent staff to carry out the Board's duties under this
6 Section.

7 (g) The Board shall:

8 (1) oversee trial-level indigent defense services
9 throughout the 102 counties of this State;

10 (2) establish uniform standards for the conduct of
11 indigent defense services throughout this State; and

12 (3) provide training and regional supervision of
13 indigent defense services throughout this State.