

1 AN ACT concerning the exercise of police powers by State  
2 employees.

3 Be it enacted by the People of the State of Illinois,  
4 represented in the General Assembly:

5 Section 5. The State Appellate Defender Act is amended  
6 by changing Section 10 as follows:

7 (725 ILCS 105/10) (from Ch. 38, par. 208-10)

8 Sec. 10. Powers and duties of State Appellate Defender.

9 (a) The State Appellate Defender shall represent  
10 indigent persons on appeal in criminal and delinquent minor  
11 proceedings, when appointed to do so by a court under a  
12 Supreme Court Rule or law of this State.

13 (b) The State Appellate Defender shall submit a budget  
14 for the approval of the State Appellate Defender Commission.

15 (c) The State Appellate Defender may:

16 (1) maintain a panel of private attorneys available  
17 to serve as counsel on a case basis;

18 (2) establish programs, alone or in conjunction  
19 with law schools, for the purpose of utilizing volunteer  
20 law students as legal assistants;

21 (3) cooperate and consult with state agencies,  
22 professional associations, and other groups concerning  
23 the causes of criminal conduct, the rehabilitation and  
24 correction of persons charged with and convicted of  
25 crime, the administration of criminal justice, and, in  
26 counties of less than 1,000,000 population, study,  
27 design, develop and implement model systems for the  
28 delivery of trial level defender services, and make an  
29 annual report to the General Assembly;

30 (4) hire investigators to provide investigative  
31 services to appointed counsel and county public

1 defenders;

2 (5) in cases in which a death sentence is an  
3 authorized disposition, provide trial counsel with the  
4 assistance of expert witnesses, investigators, and  
5 mitigation specialists from funds appropriated to the  
6 State Appellate Defender specifically for that purpose by  
7 the General Assembly. The Office of State Appellate  
8 Defender shall not be appointed to serve as trial counsel  
9 in capital cases.

10 Investigators shall be considered peace officers while in  
11 the exercise of their official duties during the actual  
12 investigation of a case; provided that such investigators  
13 shall have no power to serve and execute civil processes.  
14 The investigators may inquire with LEADS to ascertain whether  
15 their potential witnesses have a criminal background. The  
16 inquiry may be conducted with any law enforcement agency in  
17 this State that maintains a LEADS terminal or has immediate  
18 access to one on a 24-hour-per-day, 7-day-per-week basis  
19 through a written agreement with a law enforcement agency.

20 The State Appellate Defender must authorize for each  
21 investigator a distinct badge that on its face: (i) clearly  
22 states that it is authorized by the Office of the State  
23 Appellate Defender and (ii) contains a unique identifying  
24 number. No other badge shall be authorized by the Office of  
25 the State Appellate Defender.

26 (d) For each State fiscal year, the State Appellate  
27 Defender shall appear before the General Assembly and request  
28 appropriations to be made from the Capital Litigation Trust  
29 Fund to the State Treasurer for the purpose of providing  
30 defense assistance in capital cases outside of Cook County.  
31 The State Appellate Defender may appear before the General  
32 Assembly at other times during the State's fiscal year to  
33 request supplemental appropriations from the Trust Fund to  
34 the State Treasurer.

1           (e) The requirement for reporting to the General  
2 Assembly shall be satisfied by filing copies of the report  
3 with the Speaker, the Minority Leader and the Clerk of the  
4 House of Representatives and the President, the Minority  
5 Leader and the Secretary of the Senate and the Legislative  
6 Research Unit, as required by Section 3.1 of the General  
7 Assembly Organization Act and filing such additional copies  
8 with the State Government Report Distribution Center for the  
9 General Assembly as is required under paragraph (t) of  
10 Section 7 of the State Library Act.

11           (Source: P.A. 91-589, eff. 1-1-00.)

12           Section 99. Effective date. This Act takes effect upon  
13 becoming law.