

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 employed by the Death Penalty Trial
11 Assistance and Capital Litigation Division of the State
12 Appellate Defender shall be authorized to inquire through the
13 Illinois State Police or local law enforcement with the Law
14 Enforcement Agencies Data System (LEADS) under Section
15 2605-375 of the Civil Administrative Code of Illinois to
16 ascertain whether their potential witnesses have a criminal
17 background, including: (i) warrants; (ii) arrests; (iii)
18 convictions; and (iv) officer safety information. This
19 authorization applies only to information held on the State
20 level and shall be used only to protect the personal safety
21 of the investigators. Any information that is obtained
22 through this inquiry may not be disclosed by the
23 investigators.

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

33 (e) The requirement for reporting to the General
34 Assembly shall be satisfied by filing copies of the report

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

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