

SB0515



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB0515

Introduced 2/17/2005, by Sen. Don Harmon

SYNOPSIS AS INTRODUCED:

15 ILCS 205/4

from Ch. 14, par. 4

Amends the Attorney General Act. Makes a technical change in a Section concerning the duties of the Attorney General.

LRB094 07617 RCE 37789 b

A BILL FOR

1 AN ACT concerning State 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 ~~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. Notwithstanding this
11 provision, the Office of Public Counsel shall be authorized to
12 represent the interests of the people of the State in all
13 proceedings pertinent to utility regulation, including cases
14 before the supreme court, where any such case is properly
15 brought by the Office pursuant to its statutory duties and
16 powers.

17 Second - To institute and prosecute all actions and
18 proceedings in favor of or for the use of the State, which may
19 be necessary in the execution of the duties of any State
20 officer.

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

24 Fourth - To consult with and advise the several State's
25 Attorneys in matters relating to the duties of their office;
26 and when, in his judgment, the interest of the people of the
27 State requires it, he shall attend the trial of any party
28 accused of crime, and assist in the prosecution. When the
29 Attorney General has requested in writing that a State's
30 Attorney initiate court proceedings to enforce any provisions
31 of the Election Code or to initiate a criminal prosecution with
32 respect to a violation of the Election Code, and when the

1 State's Attorney has declined in writing to initiate those
2 proceedings or prosecutions or when the State's Attorney has
3 neither initiated the proceedings or prosecutions nor
4 responded in writing to the Attorney General within 60 days of
5 the receipt of the request, the Attorney General may,
6 concurrently with or independently of the State's Attorney,
7 initiate such proceedings or prosecutions.

8 Fifth - To investigate alleged violations of the statutes
9 which the Attorney General has a duty to enforce and to conduct
10 other investigations in connection with assisting in the
11 prosecution of a criminal offense at the request of a State's
12 Attorney.

13 Sixth - To consult with and advise the governor and other
14 State officers, and give, when requested, written opinions upon
15 all legal or constitutional questions relating to the duties of
16 such officers respectively.

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

20 Eighth - To give written opinions, when requested by either
21 branch of the general assembly, or any committee thereof, upon
22 constitutional or legal questions.

23 Ninth - To enforce the proper application of funds
24 appropriated to the public institutions of the State, prosecute
25 breaches of trust in the administration of such funds, and,
26 when necessary, prosecute corporations for failure or refusal
27 to make the reports required by law.

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

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

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

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

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

5 (Source: P.A. 87-466.)