



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB3372

Introduced 2/10/2010, by Sen. William R. Haine

SYNOPSIS AS INTRODUCED:

725 ILCS 210/3	from Ch. 14, par. 203
725 ILCS 210/6	from Ch. 14, par. 206
725 ILCS 210/7.06	from Ch. 14, par. 207.06
725 ILCS 210/9.04 rep.	
725 ILCS 210/10 rep.	

Amends the State's Attorneys Appellate Prosecutor's Act. Provides that the Office of the State's Attorneys Appellate Prosecutor is a judicial agency of State government. Provides that each elected member of the board of governor's of the Office shall serve for a term of 2 years commencing upon their election and until their successors are duly elected or appointed and qualified. Provides that all full-time legal personnel (rather than staff attorneys and deputy directors) shall devote full time to their duties and may not engage in the private practice of law except for part-time staff. Eliminates the power of the Office to hire investigators. Repeals provisions relating to a county's participation in programs of the Office. Effective immediately.

LRB096 17855 RLC 35125 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 State's Attorneys Appellate Prosecutor's
5 Act is amended by changing Sections 3, 6, and 7.06 as follows:

6 (725 ILCS 210/3) (from Ch. 14, par. 203)

7 Sec. 3. There is created the Office of the State's
8 Attorneys Appellate Prosecutor as a judicial ~~an~~ agency of state
9 government.

10 (a) The Office of the State's Attorneys Appellate
11 Prosecutor shall be governed by a board of governors which
12 shall consist of 10 members as follows:

13 (1) Eight State's Attorneys, 2 to be elected from each
14 District containing less than 3,000,000 inhabitants;

15 (2) The State's Attorney of Cook County; and

16 (3) One State's Attorney to be annually appointed by the
17 other 9 members.

18 (b) Voting for elected members shall be by District with
19 each of the State's Attorneys voting from their respective
20 district. Each board member must be duly elected or appointed
21 and serving as State's Attorney in the district from which he
22 was elected or appointed.

23 (c) Elected members ~~Members~~ shall serve for a term of 2

1 ~~years one year~~ commencing upon their election ~~on the first day~~
2 ~~of July~~ and until their successors are duly elected or
3 appointed and qualified.

4 (d) An annual election of members of the board shall be
5 held within 30 days prior or subsequent to the beginning of the
6 fiscal year ~~during the month of June~~, and the board shall
7 certify the results to the Secretary of State.

8 (e) The board shall promulgate rules of procedure for the
9 election of its members and the conduct of its meetings and
10 shall elect a Chairman and a Vice-Chairman and such other
11 officers as it deems appropriate. The board shall meet at least
12 once every 3 months, and in addition thereto as directed by the
13 Chairman, or upon the special call of any 5 members of the
14 board, in writing, sent to the Chairman, designating the time
15 and place of the meeting.

16 (f) Five members of the board shall constitute a quorum for
17 the purpose of transacting business.

18 (g) Members of the board shall serve without compensation,
19 but shall be reimbursed for necessary expenses incurred in the
20 performance of their duties.

21 (h) A position shall be vacated by either a member's
22 resignation, removal or inability to serve as State's Attorney.

23 (i) Vacancies on the board of elected members shall be
24 filled within 90 ~~30~~ days of the occurrence of the vacancy by a
25 special election held by the State's Attorneys in the district
26 where the vacancy occurred. Vacancies on the board of the

1 appointed member shall be filled within 90 ~~30~~ days of the
2 occurrence of the vacancy by a special election by the members.
3 In the case of a special election, the tabulation and
4 certification of the results may be conducted at any regularly
5 scheduled quarterly or special meeting called for that purpose.
6 A member elected or appointed to fill such position shall serve
7 for the unexpired term of the member whom he is succeeding. Any
8 member may be re-elected or re-appointed for additional terms.
9 (Source: P.A. 84-1062.)

10 (725 ILCS 210/6) (from Ch. 14, par. 206)

11 Sec. 6. The Office is to be organized in the following
12 manner:

13 (a) The staff of the Office of the State's Attorneys
14 Appellate Prosecutor shall consist of a Director, 4 Deputy
15 Directors, Staff Attorneys and such other administrative,
16 secretarial and clerical employees as may be necessary.

17 (b) The Director and all Office Attorneys must be licensed
18 to practice law in the State of Illinois. All full-time legal
19 personnel ~~Staff Attorneys and Deputy Directors hired by the~~
20 ~~Director, with the concurrence of the board,~~ shall devote full
21 time to their duties and may not engage in the private practice
22 of law, except as provided in Section 7.02.

23 (c) The Director and such other employees as may be hired
24 hereunder shall not be subject to the provisions of the
25 Illinois Personnel Code.

1 (Source: P.A. 84-1062.)

2 (725 ILCS 210/7.06) (from Ch. 14, par. 207.06)

3 Sec. 7.06. (a) The Director may hire no more than 0 ~~12~~
4 investigators to provide investigative services in criminal
5 cases and tax objection cases for staff counsel and county
6 state's attorneys. Investigators may be authorized by the board
7 to carry tear gas gun projectors or bombs, pistols, revolvers,
8 stun guns, tasers or other firearms.

9 Subject to the qualifications set forth below,
10 investigators shall be peace officers and shall have all the
11 powers possessed by policemen in cities and by sheriffs;
12 provided, that investigators shall exercise such powers
13 anywhere in the State only after contact and in cooperation
14 with the appropriate local law enforcement agencies.

15 No investigator shall have peace officer status or exercise
16 police powers unless he or she successfully completes the basic
17 police training course mandated and approved by the Illinois
18 Law Enforcement Training Standards Board or such board waives
19 the training requirement by reason of the investigator's prior
20 law enforcement experience or training or both.

21 The board shall not waive the training requirement unless
22 the investigator has had a minimum of 5 years experience as a
23 sworn officer of a local, state or federal law enforcement
24 agency, 2 of which shall have been in an investigatory
25 capacity.

1 (b) The Director must authorize to each investigator
2 employed under this Section and to any other employee of the
3 Office exercising the powers of a peace officer a distinct
4 badge that, on its face, (i) clearly states that the badge is
5 authorized by the Office and (ii) contains a unique identifying
6 number. No other badge shall be authorized by the Office.
7 (Source: P.A. 91-883, eff. 1-1-01.)

8 (725 ILCS 210/9.04 rep.)

9 (725 ILCS 210/10 rep.)

10 Section 10. The State's Attorneys Appellate Prosecutor's
11 Act is amended by repealing Sections 9.04 and 10.

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