

1 AN ACT concerning local government.

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 changing Section
5 3-9008 as follows:

6 (55 ILCS 5/3-9008) (from Ch. 34, par. 3-9008)

7 Sec. 3-9008. Appointment of attorney to perform duties.
8 Whenever the State's attorney is sick or absent, or unable to
9 attend, or is interested in any cause or proceeding, civil or
10 criminal, which it is or may be his duty to prosecute or
11 defend, the court in which said cause or proceeding is pending
12 may appoint some competent attorney to prosecute or defend such
13 cause or proceeding, and the attorney so appointed shall have
14 the same power and authority in relation to such cause or
15 proceeding as the State's attorney would have had if present
16 and attending to the same, and in case of a vacancy of more
17 than one year occurring in any county in the office of State's
18 attorney, by death, resignation or otherwise, and it becomes
19 necessary for the transaction of the public business, that some
20 competent attorney act as State's attorney in and for such
21 county during the period between the time of the occurrence of
22 such vacancy and the election and qualification of a State's
23 attorney, as provided by law, the vacancy shall be filled upon

1 the written request of a majority of the circuit judges of the
2 circuit in which is located the county where such vacancy
3 exists, by appointment as provided in The Election Code of some
4 competent attorney to perform and discharge all the duties of a
5 State's attorney in the said county, such appointment and all
6 authority thereunder to cease upon the election and
7 qualification of a State's attorney, as provided by law. Prior
8 to appointing a private attorney, the court shall contact
9 public agencies, including but not limited to the Office of
10 Attorney General, Office of the State's Attorneys Appellate
11 Prosecutor, and local State's Attorney's Offices throughout
12 the State, to determine a public prosecutor's availability to
13 serve as a special prosecutor at no cost to the county. Any
14 attorney appointed for any reason under this Section shall
15 possess all the powers and discharge all the duties of a
16 regularly elected State's attorney under the laws of the State
17 to the extent necessary to fulfill the purpose of such
18 appointment, and shall be paid by the county he serves not to
19 exceed in any one period of 12 months, for the reasonable
20 amount of time actually expended in carrying out the purpose of
21 such appointment, the same compensation as provided by law for
22 the State's attorney of the county, apportioned, in the case of
23 lesser amounts of compensation, as to the time of service
24 reasonably and actually expended. The county shall participate
25 in all agreements on the rate of compensation of a special
26 prosecutor.

1 An order granting authority to a special prosecutor must be
2 construed strictly and narrowly by the court. The power and
3 authority of a special prosecutor shall not be expanded without
4 prior notice to the county. In the case of the proposed
5 expansion of a special prosecutor's power and authority, a
6 county may provide the court with information on the financial
7 impact of an expansion on the county. Prior to the signing of
8 an order requiring a county to pay for attorney's fees or
9 litigation expenses, the county shall be provided with a
10 detailed copy of the invoice describing the fees, and the
11 invoice shall include all activities performed in relation to
12 the case and the amount of time spent on each activity.

13 (Source: P.A. 86-962.)

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.