



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5749

Introduced 2/16/2012, by Rep. Frank J. Mautino

SYNOPSIS AS INTRODUCED:

725 ILCS 210/4.01
725 ILCS 210/7.06

from Ch. 14, par. 204.01
from Ch. 14, par. 207.06

Amends the State's Attorneys Appellate Prosecutor's Act. Provides that the Office of the State's Attorneys Appellate Prosecutor and all attorneys employed by the Office may also assist State's Attorneys in the discharge of their duties on hearings in post-conviction proceedings. Provides that the Director of the Office of the State's Attorneys Appellate Prosecutor may contract for such investigators (rather than hire no more than 0 investigators) to provide investigative services in criminal cases and tax objection cases for staff counsel and county State's attorneys. Effective immediately.

LRB097 17713 RLC 62927 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 4.01 and 7.06 as follows:

6 (725 ILCS 210/4.01) (from Ch. 14, par. 204.01)

7 Sec. 4.01. The Office and all attorneys employed thereby
8 may represent the People of the State of Illinois on appeal in
9 all cases which emanate from a county containing less than
10 3,000,000 inhabitants, when requested to do so and at the
11 direction of the State's Attorney, otherwise responsible for
12 prosecuting the appeal, and may, with the advice and consent of
13 the State's Attorney prepare, file and argue such appellate
14 briefs in the Illinois Appellate Court and, when requested and
15 authorized to do so by the Attorney General, in the Illinois
16 Supreme Court. The Office may also assist County State's
17 Attorneys in the discharge of their duties under the Illinois
18 Controlled Substances Act, the Cannabis Control Act, the
19 Methamphetamine Control and Community Protection Act, the Drug
20 Asset Forfeiture Procedure Act, the Narcotics Profit
21 Forfeiture Act, and the Illinois Public Labor Relations Act,
22 including negotiations conducted on behalf of a county or
23 pursuant to an intergovernmental agreement as well as in the

1 trial and appeal of said cases and of tax objections, and the
2 counties which use services relating to labor relations shall
3 reimburse the Office on pro-rated shares as determined by the
4 board based upon the population and number of labor relations
5 cases of the participating counties. In addition, the Office
6 and all attorneys employed by the Office may also assist
7 State's Attorneys in the discharge of their duties in the
8 prosecution, ~~and~~ trial, or hearing on post-conviction of other
9 cases when requested to do so by, and at the direction of, the
10 State's Attorney otherwise responsible for the case. In
11 addition, the Office and all attorneys employed by the Office
12 may act as Special Prosecutor if duly appointed to do so by a
13 court having jurisdiction. To be effective, the order
14 appointing the Office or its attorneys as Special Prosecutor
15 must (i) identify the case and its subject matter and (ii)
16 state that the Special Prosecutor serves at the pleasure of the
17 Attorney General, who may substitute himself or herself as the
18 Special Prosecutor when, in his or her judgment, the interest
19 of the people of the State so requires. Within 5 days after
20 receiving a copy of an order from the court appointing the
21 Office or any of its attorneys as a Special Prosecutor, the
22 Office must forward a copy of the order to the Springfield
23 office of the Attorney General.

24 (Source: P.A. 94-556, eff. 9-11-05.)

25 (725 ILCS 210/7.06) (from Ch. 14, par. 207.06)

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

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

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

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

24 (b) The Director must authorize to each investigator
25 employed under this Section and to any other employee of the
26 Office exercising the powers of a peace officer a distinct

1 badge that, on its face, (i) clearly states that the badge is
2 authorized by the Office and (ii) contains a unique identifying
3 number. No other badge shall be authorized by the Office.

4 (Source: P.A. 96-900, eff. 5-28-10.)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.