

# HB2363



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

**HB2363**

Introduced 2/26/2007, by Rep. Michael J. Madigan - Barbara Flynn Currie - Jack D. Franks

#### 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.

LRB095 00920 RCE 20922 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 duties of the Attorney General shall be--

8 First - To appear for and ~~and~~ represent the people of the  
9 State before the supreme court in all cases in which the State  
10 or the people of the State are interested.

11 Second - To institute and prosecute all actions and  
12 proceedings in favor of or for the use of the State, which may  
13 be necessary in the execution of the duties of any State  
14 officer.

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

18 Fourth - To consult with and advise the several State's  
19 Attorneys in matters relating to the duties of their office;  
20 and when, in his judgment, the interest of the people of the  
21 State requires it, he shall attend the trial of any party  
22 accused of crime, and assist in the prosecution. When the  
23 Attorney General has requested in writing that a State's

1 Attorney initiate court proceedings to enforce any provisions  
2 of the Election Code or to initiate a criminal prosecution with  
3 respect to a violation of the Election Code, and when the  
4 State's Attorney has declined in writing to initiate those  
5 proceedings or prosecutions or when the State's Attorney has  
6 neither initiated the proceedings or prosecutions nor  
7 responded in writing to the Attorney General within 60 days of  
8 the receipt of the request, the Attorney General may,  
9 concurrently with or independently of the State's Attorney,  
10 initiate such proceedings or prosecutions.

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

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

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

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

26 Ninth - To enforce the proper application of funds

1 appropriated to the public institutions of the State, prosecute  
2 breaches of trust in the administration of such funds, and,  
3 when necessary, prosecute corporations for failure or refusal  
4 to make the reports required by law.

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

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

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

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

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

18 (Source: P.A. 94-291, eff. 7-21-05.)