

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
5 Sections 3-9001, 3-9002, 3-9004, 3-9005, 3-9006, 3-9008,
6 3-9009, and 3-9012 as follows:

7 (55 ILCS 5/3-9001) (from Ch. 34, par. 3-9001)

8 Sec. 3-9001. Oath; bond. Before entering upon the
9 respective duties of their office, the state's attorneys shall
10 each be commissioned by the governor, and shall take the
11 following oath or affirmation:

12 I do solemnly swear (or affirm, as the case may be), that I
13 will support the constitution of the United States and the
14 constitution of the state of Illinois, and that I will
15 faithfully discharge the duties of the office of state's
16 attorney according to the best of my ability.

17 Each State's attorney shall also execute a bond, to the
18 People of the State of Illinois, (or, if the county is
19 self-insured, the county through its self-insurance program
20 may provide bonding) with good and sufficient securities in
21 the penal sum of \$5,000, to be approved by the circuit court
22 for the ~~his~~ respective county, which approval shall be
23 indorsed upon the bond. The bond, with the approval thereof

1 indorsed, shall be entered of record in the circuit court, and
2 then forwarded by the county clerk to the secretary of state,
3 to be filed in the Secretary of State's ~~his~~ office. Each of the
4 bonds shall be conditioned upon the faithful discharge of the
5 duties of the office, and the paying over all moneys as
6 provided by law, which bond shall run to and be for the benefit
7 of the state, county, corporation or person injured by a
8 breach of any of the conditions thereof.

9 (Source: P.A. 88-387.)

10 (55 ILCS 5/3-9002) (from Ch. 34, par. 3-9002)

11 Sec. 3-9002. Commencement of duties. The State's attorney
12 shall enter upon the duties of the ~~his~~ office on the first day
13 in the month of December following the ~~his~~ election of the
14 State's Attorney on which the State's attorney's office is
15 required, by statute or by action of the county board, to be
16 open.

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

18 (55 ILCS 5/3-9004) (from Ch. 34, par. 3-9004)

19 Sec. 3-9004. Failure to give bond or take oath. If any
20 person elected to the office of State's attorney shall fail to
21 give bond, or take the oath required of the State's Attorney
22 ~~him~~, within twenty days after the person ~~he~~ is declared
23 elected, the office shall be deemed vacant, and if, being
24 required to give additional bond, as provided in Section

1 3-9003 hereof, the person ~~he~~ fails to do so within twenty days
2 after notice of such requirements, the State's Attorney ~~his~~
3 office may, in the discretion of the governor, be declared
4 vacant and filled as provided by law.

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

6 (55 ILCS 5/3-9005) (from Ch. 34, par. 3-9005)

7 Sec. 3-9005. Powers and duties of State's Attorney.

8 (a) The duty of each State's Attorney shall be:

9 (1) To commence and prosecute all actions, suits,
10 indictments and prosecutions, civil and criminal, in the
11 circuit court for the ~~his~~ county, in which the people of
12 the State or county may be concerned.

13 (2) To prosecute all forfeited bonds and
14 recognizances, and all actions and proceedings for the
15 recovery of debts, revenues, moneys, fines, penalties and
16 forfeitures accruing to the State or the ~~his~~ county, or to
17 any school district or road district in the ~~his~~ county;
18 also, to prosecute all suits in the ~~his~~ county against
19 railroad or transportation companies, which may be
20 prosecuted in the name of the People of the State of
21 Illinois.

22 (3) To commence and prosecute all actions and
23 proceedings brought by any county officer in the county
24 officer's ~~his~~ official capacity.

25 (4) To defend all actions and proceedings brought

1 against the ~~his~~ county, or against any county or State
2 officer, in the county or State officer's ~~his~~ official
3 capacity, within the ~~his~~ county.

4 (5) To attend the examination of all persons brought
5 before any judge on habeas corpus, when the prosecution is
6 in the ~~his~~ county.

7 (6) To attend before judges and prosecute charges of
8 felony or misdemeanor, for which the offender is required
9 to be recognized to appear before the circuit court, when
10 in the State's Attorney's ~~his~~ power so to do.

11 (7) To give the State's Attorney's ~~his~~ opinion,
12 without fee or reward, to any county officer in the ~~his~~
13 county, upon any question or law relating to any criminal
14 or other matter, in which the people or the county may be
15 concerned.

16 (8) To assist the Attorney General whenever it may be
17 necessary, and in cases of appeal from the ~~his~~ county to
18 the Supreme Court, to which it is the duty of the Attorney
19 General to attend, the State's Attorney ~~he~~ shall furnish
20 the Attorney General at least 10 days before such is due to
21 be filed, a manuscript of a proposed statement, brief and
22 argument to be printed and filed on behalf of the people,
23 prepared in accordance with the rules of the Supreme
24 Court. However, if such brief, argument or other document
25 is due to be filed by law or order of court within this
26 10-day period, then the State's Attorney shall furnish

1 such as soon as may be reasonable.

2 (9) To pay all moneys received by the State's Attorney
3 ~~him~~ in trust, without delay, to the officer who by law is
4 entitled to the custody thereof.

5 (10) To notify, by first class mail, complaining
6 witnesses of the ultimate disposition of the cases arising
7 from an indictment or an information.

8 (11) To perform such other and further duties as may,
9 from time to time, be enjoined on the State's Attorney ~~him~~
10 by law.

11 (12) To appear in all proceedings by collectors of
12 taxes against delinquent taxpayers for judgments to sell
13 real estate, and see that all the necessary preliminary
14 steps have been legally taken to make the judgment legal
15 and binding.

16 (13) To notify, by first-class mail, the State
17 Superintendent of Education, the applicable regional
18 superintendent of schools, and the superintendent of the
19 employing school district or the chief school
20 administrator of the employing nonpublic school, if any,
21 upon the conviction of any individual known to possess a
22 certificate or license issued pursuant to Article 21 or
23 21B, respectively, of the School Code of any offense set
24 forth in Section 21B-80 of the School Code or any other
25 felony conviction, providing the name of the certificate
26 holder, the fact of the conviction, and the name and

1 location of the court where the conviction occurred. The
2 certificate holder must also be contemporaneously sent a
3 copy of the notice.

4 (b) The State's Attorney of each county shall have
5 authority to appoint one or more special investigators to
6 serve subpoenas and summonses, make return of process, and
7 conduct investigations which assist the State's Attorney in
8 the performance of the State's Attorney ~~his~~ duties. In
9 counties of the first and second class, the fees for service of
10 subpoenas and summonses are allowed by this Section and shall
11 be consistent with those set forth in Section 4-5001 of this
12 Act, except when increased by county ordinance as provided for
13 in Section 4-5001. In counties of the third class, the fees for
14 service of subpoenas and summonses are allowed by this Section
15 and shall be consistent with those set forth in Section
16 4-12001 of this Act. A special investigator shall not carry
17 firearms except with permission of the State's Attorney and
18 only while carrying appropriate identification indicating the
19 special investigator's ~~his~~ employment and in the performance
20 of the special investigator's ~~his~~ assigned duties.

21 Subject to the qualifications set forth in this
22 subsection, special investigators shall be peace officers and
23 shall have all the powers possessed by investigators under the
24 State's Attorneys Appellate Prosecutor's Act.

25 No special investigator employed by the State's Attorney
26 shall have peace officer status or exercise police powers

1 unless the special investigator ~~he or she~~ successfully
2 completes the basic police training course mandated and
3 approved by the Illinois Law Enforcement Training Standards
4 Board or such board waives the training requirement by reason
5 of the special investigator's prior law enforcement experience
6 or training or both. Any State's Attorney appointing a special
7 investigator shall consult with all affected local police
8 agencies, to the extent consistent with the public interest,
9 if the special investigator is assigned to areas within that
10 agency's jurisdiction.

11 Before a person is appointed as a special investigator,
12 the person's ~~his~~ fingerprints shall be taken and transmitted
13 to the Department of State Police. The Department shall
14 examine its records and submit to the State's Attorney of the
15 county in which the investigator seeks appointment any
16 conviction information concerning the person on file with the
17 Department. No person shall be appointed as a special
18 investigator if the person ~~he~~ has been convicted of a felony or
19 other offense involving moral turpitude. A special
20 investigator shall be paid a salary and be reimbursed for
21 actual expenses incurred in performing the special
22 investigator's ~~his~~ assigned duties. The county board shall
23 approve the salary and actual expenses and appropriate the
24 salary and expenses in the manner prescribed by law or
25 ordinance.

26 (c) The State's Attorney may request and receive from

1 employers, labor unions, telephone companies, and utility
2 companies location information concerning putative fathers and
3 noncustodial parents for the purpose of establishing a child's
4 paternity or establishing, enforcing, or modifying a child
5 support obligation. In this subsection, "location information"
6 means information about (i) the physical whereabouts of a
7 putative father or noncustodial parent, (ii) the putative
8 father or noncustodial parent's employer, or (iii) the salary,
9 wages, and other compensation paid and the health insurance
10 coverage provided to the putative father or noncustodial
11 parent by the employer of the putative father or noncustodial
12 parent or by a labor union of which the putative father or
13 noncustodial parent is a member.

14 (d) (Blank).

15 (e) The State's Attorney shall have the authority to enter
16 into a written agreement with the Department of Revenue for
17 pursuit of civil liability under subsection (E) of Section
18 17-1 of the Criminal Code of 2012 against persons who have
19 issued to the Department checks or other orders in violation
20 of the provisions of paragraph (1) of subsection (B) of
21 Section 17-1 of the Criminal Code of 2012, with the Department
22 to retain the amount owing upon the dishonored check or order
23 along with the dishonored check fee imposed under the Uniform
24 Penalty and Interest Act, with the balance of damages, fees,
25 and costs collected under subsection (E) of Section 17-1 of
26 the Criminal Code of 2012 or under Section 17-1a of that Code

1 to be retained by the State's Attorney. The agreement shall
2 not affect the allocation of fines and costs imposed in any
3 criminal prosecution.

4 (f) In a county with less than 2,000,000 inhabitants, and
5 only upon receipt of a written request by the superintendent
6 of the county Veterans Assistance Commission for the county in
7 which the State's Attorney is located, the State's Attorney
8 shall have the discretionary authority to render an opinion,
9 without fee or reward, upon any question of law relating to a
10 matter in which the county Veterans Assistance Commission may
11 be concerned. The State's Attorney shall have the discretion
12 to grant or decline such a request.

13 (Source: P.A. 101-275, eff. 8-9-19.)

14 (55 ILCS 5/3-9006) (from Ch. 34, par. 3-9006)

15 Sec. 3-9006. Internal operations of office; simultaneous
16 county board tenure.

17 (a) Internal operations of the office. The State's
18 Attorney shall control the internal operations of the State's
19 Attorney's ~~his or her~~ office and procure the necessary
20 equipment, materials, and services to perform the duties of
21 that office.

22 (b) Simultaneous county board tenure. A duly appointed
23 Assistant State's Attorney may serve as an Assistant State's
24 Attorney and, simultaneously, serve as a county board member
25 for a county located outside of the jurisdiction of the

1 State's Attorney Office that the Assistant State's Attorney ~~he~~
2 ~~or she~~ serves. An Assistant State's Attorney serving as a
3 county board member is subject to any internal mechanisms
4 established by the State's Attorney to avoid conflicts of
5 interest in the performance of the individual's ~~his or her~~
6 duties as an Assistant State's Attorney.

7 (Source: P.A. 95-1014, eff. 12-15-08.)

8 (55 ILCS 5/3-9008) (from Ch. 34, par. 3-9008)

9 Sec. 3-9008. Appointment of attorney to perform duties.

10 (a) (Blank).

11 (a-5) The court on its own motion, or an interested person
12 in a cause or proceeding, civil or criminal, may file a
13 petition alleging that the State's Attorney is sick, absent,
14 or unable to fulfill the State's Attorney's ~~his or her~~ duties.
15 The court shall consider the petition, any documents filed in
16 response, and if necessary, grant a hearing to determine
17 whether the State's Attorney is sick, absent, or otherwise
18 unable to fulfill the State's Attorney's ~~his or her~~ duties. If
19 the court finds that the State's Attorney is sick, absent, or
20 otherwise unable to fulfill the State's Attorney's ~~his or her~~
21 duties, the court may appoint some competent attorney to
22 prosecute or defend the cause or proceeding.

23 (a-10) The court on its own motion, or an interested
24 person in a cause or proceeding, civil or criminal, may file a
25 petition alleging that the State's Attorney has an actual

1 conflict of interest in the cause or proceeding. The court
2 shall consider the petition, any documents filed in response,
3 and if necessary, grant a hearing to determine whether the
4 State's Attorney has an actual conflict of interest in the
5 cause or proceeding. If the court finds that the petitioner
6 has proven by sufficient facts and evidence that the State's
7 Attorney has an actual conflict of interest in a specific
8 case, the court may appoint some competent attorney to
9 prosecute or defend the cause or proceeding.

10 (a-15) Notwithstanding subsections (a-5) and (a-10) of
11 this Section, the State's Attorney may file a petition to
12 recuse the State's Attorney ~~himself or herself~~ from a cause or
13 proceeding for any other reason the State's Attorney ~~he or she~~
14 deems appropriate and the court shall appoint a special
15 prosecutor as provided in this Section.

16 (a-20) Prior to appointing a private attorney under this
17 Section, the court shall contact public agencies, including,
18 but not limited to, the Office of Attorney General, Office of
19 the State's Attorneys Appellate Prosecutor, or local State's
20 Attorney's Offices throughout the State, to determine a public
21 prosecutor's availability to serve as a special prosecutor at
22 no cost to the county and shall appoint a public agency if they
23 are able and willing to accept the appointment. An attorney so
24 appointed shall have the same power and authority in relation
25 to the cause or proceeding as the State's Attorney would have
26 if present and attending to the cause or proceedings.

1 (b) In case of a vacancy of more than one year occurring in
2 any county in the office of State's attorney, by death,
3 resignation or otherwise, and it becomes necessary for the
4 transaction of the public business, that some competent
5 attorney act as State's attorney in and for such county during
6 the period between the time of the occurrence of such vacancy
7 and the election and qualification of a State's attorney, as
8 provided by law, the vacancy shall be filled upon the written
9 request of a majority of the circuit judges of the circuit in
10 which is located the county where such vacancy exists, by
11 appointment as provided in The Election Code of some competent
12 attorney to perform and discharge all the duties of a State's
13 attorney in the said county, such appointment and all
14 authority thereunder to cease upon the election and
15 qualification of a State's attorney, as provided by law. Any
16 attorney appointed for any reason under this Section shall
17 possess all the powers and discharge all the duties of a
18 regularly elected State's attorney under the laws of the State
19 to the extent necessary to fulfill the purpose of such
20 appointment, and shall be paid by the county the State's
21 Attorney ~~he~~ serves not to exceed in any one period of 12
22 months, for the reasonable amount of time actually expended in
23 carrying out the purpose of such appointment, the same
24 compensation as provided by law for the State's attorney of
25 the county, apportioned, in the case of lesser amounts of
26 compensation, as to the time of service reasonably and

1 actually expended. The county shall participate in all
2 agreements on the rate of compensation of a special
3 prosecutor.

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

17 (Source: P.A. 99-352, eff. 1-1-16.)

18 (55 ILCS 5/3-9009) (from Ch. 34, par. 3-9009)

19 Sec. 3-9009. Private fee and employment prohibited. The
20 State's attorney shall not receive any fee or reward from or in
21 behalf of any private person for any services within the
22 State's Attorney's ~~his~~ official duties and shall not be
23 retained or employed, except for the public, in a civil case
24 depending upon the same state of facts on which a criminal
25 prosecution shall depend.

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

2 (55 ILCS 5/3-9012) (from Ch. 34, par. 3-9012)

3 Sec. 3-9012. Compensation. A State's attorney who serves 2
4 or more counties shall receive such compensation from the
5 State Treasury as is provided by law for the State's attorney
6 of a single county. The State's Attorney ~~He~~ shall be paid by
7 the counties such compensation as may be agreed upon by the
8 county boards within the salary range prescribed by law
9 applicable to a single county with a population equal to the
10 combined population of the counties the State's Attorney ~~he~~
11 serves. Unless the county boards agree upon a lesser amount,
12 the State's Attorney ~~he~~ shall be paid the highest permissible
13 salary within such range. The amount to be paid by the counties
14 shall be apportioned among them on the basis of their
15 population. Seventy-five percent (75%) of the amount provided
16 by law to be paid from the State treasury for the services of
17 the State's attorney in the case of a single county is payable
18 to each of the counties served by the same State's attorney,
19 except that the amounts paid to those counties under this
20 Section in any year may not exceed, in the aggregate, the
21 annual salary paid to that State's attorney from both county
22 and State funds, in which case reduction of the State's
23 contribution to each county shall be reduced proportionately
24 according to population of each participating county.

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

1 Section 10. The Military Veterans Assistance Act is
2 amended by changing Section 10 as follows:

3 (330 ILCS 45/10) (from Ch. 23, par. 3090)

4 Sec. 10. The executive powers of the commission shall be
5 vested in a superintendent elected by the commission from
6 among those who served in the armed forces of the United
7 States. The superintendent, designated Superintendent of
8 Veterans Assistance of the county, shall, under the direction
9 of the commission, have charge of and maintain an office in the
10 county building or other central location, to be used solely
11 by the commission for carrying on its assistance work. The
12 county shall provide the office and furnish all necessary
13 supplies, including telephone, printing, stationery and
14 postage therefor.

15 The county board shall, in any county where a Veterans
16 Assistance Commission is organized, in addition to sums
17 appropriated for assistance and emergency assistance purposes
18 under this Act, appropriate such additional sums, upon
19 recommendation of the Veterans Assistance Commission and as
20 approved by the county board, to properly compensate the
21 officers and employees required to administer such assistance.
22 Such county board approval shall be based upon recognized and
23 established salary guidelines developed by the county and used
24 by the county to compensate county employees. If the county

1 does not have established employee salary guidelines, the
2 county board shall provide funds to the commission to
3 compensate the superintendent and his employees in a just
4 manner. The county board shall also provide funds to the
5 commission to reimburse the superintendent, officers,
6 delegates and employees for certain expenses which are
7 approved by the commission. The superintendent and other
8 employees shall be employees of the Veterans Assistance
9 Commission, and no provision in this Section or elsewhere in
10 this Act shall be construed to mean that they are employees of
11 the county.

12 Superintendents, subject to rules formulated by the
13 commission, shall select, as far as possible, secretaries and
14 other employees from among honorably discharged military
15 veterans as defined in Section 2, or their surviving spouses.

16 In a county with less than 2,000,000 inhabitants, the
17 superintendent may, in conformance with subsection (f) of
18 Section 3-9005 of the Counties Code, request legal assistance
19 from the State's Attorney serving the county in which the
20 Veterans Assistance Commission is located.

21 Superintendents of all counties subject to this Act, when
22 required by the commission, shall give bond in the sum of
23 \$2,000 for the faithful performance of their duties.

24 All persons elected or selected to fill positions provided
25 for in this Section shall be exempt from the operation and
26 provisions of any civil service act or laws of this State, and

1 the secretary of the commission shall be appointed by the
2 superintendent. However, if "The Illinois Public Aid Code", as
3 amended, becomes applicable in any county, the Department of
4 Human Services may exercise the powers therein designated in
5 relation to employees engaged in the administration of
6 assistance under this Act.

7 (Source: P.A. 89-507, eff. 7-1-97.)

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.