



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB0723

Introduced 2/8/2021, by Rep. Dagmara Avelar

SYNOPSIS AS INTRODUCED:

15 ILCS 205/4	from Ch. 14, par. 4
15 ILCS 205/10 new	
55 ILCS 5/3-9005	from Ch. 34, par. 3-9005
55 ILCS 5/3-9014 new	

Amends the Attorney General Act. Provides that the Attorney General shall appoint an Opioid Coordinator who shall be an attorney under the jurisdiction of the Office of the Attorney General. Provides for the responsibilities of the Opioid Coordinator appointed by the Attorney General. Provides that the Opioid Coordinator appointed by the Attorney General shall coordinate with and provide necessary assistance to all county opioid coordinators appointed by each county state's attorney. Amends the Counties Code. Provides for the appointment of an opioid coordinator by each state's attorney. Provides for the responsibilities of each opioid coordinator appointed by a state's attorney. Provides that each opioid coordinator shall, when necessary, coordinate with the State Opioid Coordinator appointed by the Attorney General. Makes conforming changes.

LRB102 10751 RJF 16080 b

1 AN ACT concerning 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 and by adding Section 10 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 represent the people of the State
9 before the supreme court in all cases in which the State or the
10 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
3 with 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. The Attorney
11 General may investigate and prosecute any violation of the
12 Election Code at the request of the State Board of Elections or
13 a State's Attorney.

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

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

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

26 Eighth - To give written opinions, when requested by

1 either branch of the general assembly, or any committee
2 thereof, upon constitutional or legal questions.

3 Ninth - To enforce the proper application of funds
4 appropriated to the public institutions of the State,
5 prosecute breaches of trust in the administration of such
6 funds, and, when necessary, prosecute corporations for failure
7 or refusal to make the reports required by law.

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

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

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

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

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

21 Fifteenth - To give written binding and advisory public
22 access opinions as provided in Section 7 of this Act.

23 Sixteenth - To appoint an Opioid Coordinator as provided
24 under Section 10 of this Act.

25 (Source: P.A. 95-699, eff. 11-9-07; 96-542, eff. 1-1-10.)

1 (15 ILCS 205/10 new)

2 Sec. 10. State Opioid Coordinator.

3 (a) The Attorney General shall appoint an Opioid
4 Coordinator who shall be an attorney under the jurisdiction of
5 the Office of the Attorney General.

6 (b) The Opioid Coordinator shall be responsible for: (i)
7 facilitating intake of cases involving prescription opioids,
8 heroin, and fentanyl; (ii) convening a task force of State and
9 local law enforcement personnel to identify opioid cases for
10 prosecution, facilitate interdiction efforts, and tailor the
11 State's response to the needs of its citizens; (iii) providing
12 legal advice and training to Assistant Attorneys General
13 regarding the prosecution of opioid offenses; (iv) maintaining
14 statistics on the opioid prosecutions in the State; and (v)
15 developing and continually evaluating the effectiveness of the
16 Attorney General's strategy to combat the opioid epidemic.

17 (c) The Opioid Coordinator appointed by the Attorney
18 General shall coordinate with and provide necessary assistance
19 to all county opioid coordinators appointed by each county
20 state's attorney under Section 3-8014 of the Counties Code.

21 Section 10. The Counties Code is amended by changing
22 Section 3-9005 and by adding Section 3-9014 as follows:

23 (55 ILCS 5/3-9005) (from Ch. 34, par. 3-9005)

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

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

2 (1) To commence and prosecute all actions, suits,
3 indictments and prosecutions, civil and criminal, in the
4 circuit court for his county, in which the people of the
5 State or county may be concerned.

6 (2) To prosecute all forfeited bonds and
7 recognizances, and all actions and proceedings for the
8 recovery of debts, revenues, moneys, fines, penalties and
9 forfeitures accruing to the State or his county, or to any
10 school district or road district in his county; also, to
11 prosecute all suits in his county against railroad or
12 transportation companies, which may be prosecuted in the
13 name of the People of the State of Illinois.

14 (3) To commence and prosecute all actions and
15 proceedings brought by any county officer in his official
16 capacity.

17 (4) To defend all actions and proceedings brought
18 against his county, or against any county or State
19 officer, in his official capacity, within his county.

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

23 (6) To attend before judges and prosecute charges of
24 felony or misdemeanor, for which the offender is required
25 to be recognized to appear before the circuit court, when
26 in his power so to do.

1 (7) To give his opinion, without fee or reward, to any
2 county officer in his county, upon any question or law
3 relating to any criminal or other matter, in which the
4 people or the county may be concerned.

5 (8) To assist the Attorney General whenever it may be
6 necessary, and in cases of appeal from his county to the
7 Supreme Court, to which it is the duty of the Attorney
8 General to attend, he shall furnish the Attorney General
9 at least 10 days before such is due to be filed, a
10 manuscript of a proposed statement, brief and argument to
11 be printed and filed on behalf of the people, prepared in
12 accordance with the rules of the Supreme Court. However,
13 if such brief, argument or other document is due to be
14 filed by law or order of court within this 10-day period,
15 then the State's Attorney shall furnish such as soon as
16 may be reasonable.

17 (9) To pay all moneys received by him in trust,
18 without delay, to the officer who by law is entitled to the
19 custody thereof.

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

23 (11) To perform such other and further duties as may,
24 from time to time, be enjoined on him by law.

25 (12) To appear in all proceedings by collectors of
26 taxes against delinquent taxpayers for judgments to sell

1 real estate, and see that all the necessary preliminary
2 steps have been legally taken to make the judgment legal
3 and binding.

4 (13) To notify, by first-class mail, the State
5 Superintendent of Education, the applicable regional
6 superintendent of schools, and the superintendent of the
7 employing school district or the chief school
8 administrator of the employing nonpublic school, if any,
9 upon the conviction of any individual known to possess a
10 certificate or license issued pursuant to Article 21 or
11 21B, respectively, of the School Code of any offense set
12 forth in Section 21B-80 of the School Code or any other
13 felony conviction, providing the name of the certificate
14 holder, the fact of the conviction, and the name and
15 location of the court where the conviction occurred. The
16 certificate holder must also be contemporaneously sent a
17 copy of the notice.

18 (14) To appoint an opioid coordinator as provided
19 under Section 3-9014 of this Code.

20 (b) The State's Attorney of each county shall have
21 authority to appoint one or more special investigators to
22 serve subpoenas and summonses, make return of process, and
23 conduct investigations which assist the State's Attorney in
24 the performance of his duties. In counties of the first and
25 second class, the fees for service of subpoenas and summonses
26 are allowed by this Section and shall be consistent with those

1 set forth in Section 4-5001 of this Act, except when increased
2 by county ordinance as provided for in Section 4-5001. In
3 counties of the third class, the fees for service of subpoenas
4 and summonses are allowed by this Section and shall be
5 consistent with those set forth in Section 4-12001 of this
6 Act. A special investigator shall not carry firearms except
7 with permission of the State's Attorney and only while
8 carrying appropriate identification indicating his employment
9 and in the performance of his assigned duties.

10 Subject to the qualifications set forth in this
11 subsection, special investigators shall be peace officers and
12 shall have all the powers possessed by investigators under the
13 State's Attorneys Appellate Prosecutor's Act.

14 No special investigator employed by the State's Attorney
15 shall have peace officer status or exercise police powers
16 unless he or she successfully completes the basic police
17 training course mandated and approved by the Illinois Law
18 Enforcement Training Standards Board or such board waives the
19 training requirement by reason of the special investigator's
20 prior law enforcement experience or training or both. Any
21 State's Attorney appointing a special investigator shall
22 consult with all affected local police agencies, to the extent
23 consistent with the public interest, if the special
24 investigator is assigned to areas within that agency's
25 jurisdiction.

26 Before a person is appointed as a special investigator,

1 his fingerprints shall be taken and transmitted to the
2 Department of State Police. The Department shall examine its
3 records and submit to the State's Attorney of the county in
4 which the investigator seeks appointment any conviction
5 information concerning the person on file with the Department.
6 No person shall be appointed as a special investigator if he
7 has been convicted of a felony or other offense involving
8 moral turpitude. A special investigator shall be paid a salary
9 and be reimbursed for actual expenses incurred in performing
10 his assigned duties. The county board shall approve the salary
11 and actual expenses and appropriate the salary and expenses in
12 the manner prescribed by law or ordinance.

13 (c) The State's Attorney may request and receive from
14 employers, labor unions, telephone companies, and utility
15 companies location information concerning putative fathers and
16 noncustodial parents for the purpose of establishing a child's
17 paternity or establishing, enforcing, or modifying a child
18 support obligation. In this subsection, "location information"
19 means information about (i) the physical whereabouts of a
20 putative father or noncustodial parent, (ii) the putative
21 father or noncustodial parent's employer, or (iii) the salary,
22 wages, and other compensation paid and the health insurance
23 coverage provided to the putative father or noncustodial
24 parent by the employer of the putative father or noncustodial
25 parent or by a labor union of which the putative father or
26 noncustodial parent is a member.

1 (d) (Blank).

2 (e) The State's Attorney shall have the authority to enter
3 into a written agreement with the Department of Revenue for
4 pursuit of civil liability under subsection (E) of Section
5 17-1 of the Criminal Code of 2012 against persons who have
6 issued to the Department checks or other orders in violation
7 of the provisions of paragraph (1) of subsection (B) of
8 Section 17-1 of the Criminal Code of 2012, with the Department
9 to retain the amount owing upon the dishonored check or order
10 along with the dishonored check fee imposed under the Uniform
11 Penalty and Interest Act, with the balance of damages, fees,
12 and costs collected under subsection (E) of Section 17-1 of
13 the Criminal Code of 2012 or under Section 17-1a of that Code
14 to be retained by the State's Attorney. The agreement shall
15 not affect the allocation of fines and costs imposed in any
16 criminal prosecution.

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

18 (55 ILCS 5/3-9014 new)

19 Sec. 3-9014. County opioid coordinators.

20 (a) Each state's attorney shall appoint an opioid
21 coordinator who shall be an attorney under the jurisdiction of
22 each state's attorney.

23 (b) Each opioid coordinator shall be responsible for: (i)
24 facilitating intake of cases involving prescription opioids,
25 heroin, and fentanyl; (ii) convening a task force of local law

1 enforcement personnel to identify opioid cases for
2 prosecution, facilitate interdiction efforts, and tailor the
3 county's response to the needs of the community; (iii)
4 providing legal advice and training to assistant state's
5 attorneys regarding the prosecution of opioid offenses; (iv)
6 maintaining statistics on the opioid prosecutions in the
7 county; and (v) developing and continually evaluating the
8 effectiveness of each state's attorney's strategy to combat
9 the opioid epidemic.

10 (c) Each opioid coordinator shall, when necessary,
11 coordinate with the State Opioid Coordinator appointed by the
12 Attorney General under Section 10 of the Attorney General Act.