



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB2790

Introduced 2/19/2021, by Rep. Jennifer Gong-Gershowitz

#### SYNOPSIS AS INTRODUCED:

55 ILCS 5/3-4004.2

from Ch. 34, par. 3-4004.2

55 ILCS 5/3-4004.5 new

Amends the Counties Code. Provides that, in counties with a population over 3,000,000, the Public Defender, without fee or appointment and with the approval of the county board, may act as attorney to noncitizens in immigration cases related to or resulting from an underlying court matter in which the Public Defender served as attorney before he or she became the Public Defender. Provides that representation by the Public Defender in immigration cases is limited to those arising in immigration courts located within the geographical boundaries of the county where the Public Defender has been appointed to office unless the board authorizes the Public Defender to provide representation outside the county.

LRB102 14594 AWJ 19947 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

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 Section 3-4004.2 and by adding Section 3-4004.5 as follows:

6 (55 ILCS 5/3-4004.2) (from Ch. 34, par. 3-4004.2)

7 Sec. 3-4004.2. Qualifications of Public Defender and terms  
8 of employment in counties over 1,000,000. In counties with a  
9 population over 1,000,000, the following qualifications and  
10 terms of employment shall apply:

11 (a) The president shall select as Public Defender only a  
12 person with the following qualifications: an attorney whose  
13 practice of law has clearly demonstrated experience in the  
14 representation of persons accused of crime; who has been  
15 licensed to practice law in this State or in another state for  
16 at least 5 years; who has had administrative experience; and  
17 who is dedicated to the goals of providing high quality  
18 representation for eligible persons and to improving the  
19 quality of defense services generally.

20 (b) The Public Defender shall devote full time to the  
21 duties of the public defender system and shall not otherwise  
22 engage in the practice of law, except as provided in Section  
23 3-4004.5.

1 (c) The Public Defender once approved by the Board shall  
2 serve for 6 years and may be removed by the President only for  
3 good cause or dereliction of duty after notice and a hearing  
4 before the Board. The effective date of this amendatory Act of  
5 1991 shall be deemed the commencement of the term of the  
6 current public defender.

7 (d) The Public Defender's compensation shall be set at a  
8 level that is commensurate with his qualifications and  
9 experience and professionally appropriate with the  
10 responsibility of the position. The Public Defender's  
11 compensation shall be comparable with that paid to circuit  
12 court judges, but in no event shall be more than that of the  
13 State's Attorney of the county.

14 (Source: P.A. 87-111.)

15 (55 ILCS 5/3-4004.5 new)

16 Sec. 3-4004.5. Immigration cases. In counties with a  
17 population over 3,000,000, the Public Defender, without fee or  
18 appointment and with the approval of the county board, may act  
19 as attorney to noncitizens in immigration cases related to or  
20 resulting from an underlying court matter in which the Public  
21 Defender served as attorney before he or she became the Public  
22 Defender. Representation by the Public Defender in immigration  
23 cases is limited to those arising in immigration courts  
24 located within the geographical boundaries of the county where  
25 the Public Defender has been appointed to office unless the

1 board authorizes the Public Defender to provide representation  
2 outside the county.