

1 AN ACT concerning counties.

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 3-9005 as follows:

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 his county, in which the people of the
12 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 his county, or to
17 any school district or road district in his county; also,
18 to prosecute all suits in his county against railroad or
19 transportation companies, which may be prosecuted in the
20 name of the People of the State of Illinois.

21 (3) To commence and prosecute all actions and
22 proceedings brought by any county officer in his official
23 capacity.

24 (4) To defend all actions and proceedings brought
25 against his county, or against any county or State
26 officer, in his official capacity, within his county.

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

30 (6) To attend before judges and prosecute charges
31 of felony or misdemeanor, for which an the offender is

1 required to be recognized to appear before the circuit
2 court, when in his power so to do.

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

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

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

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

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

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

32 (b) The State's Attorney of each county shall have
33 authority to appoint one or more special investigators to
34 serve subpoenas, make return of process and conduct

1 investigations which assist the State's Attorney in the
2 performance of his duties. A special investigator shall not
3 carry firearms except with permission of the State's Attorney
4 and only while carrying appropriate identification indicating
5 his employment and in the performance of his assigned duties.

6 Subject to the qualifications set forth in this
7 subsection, special investigators shall be peace officers and
8 shall have all the powers possessed by investigators under
9 the State's Attorneys Appellate Prosecutor's Act.

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

22 Before a person is appointed as a special investigator,
23 his fingerprints shall be taken and transmitted to the
24 Department of State Police. The Department shall examine its
25 records and submit to the State's Attorney of the county in
26 which the investigator seeks appointment any conviction
27 information concerning the person on file with the
28 Department. No person shall be appointed as a special
29 investigator if he has been convicted of a felony or other
30 offense involving moral turpitude. A special investigator
31 shall be paid a salary and be reimbursed for actual expenses
32 incurred in performing his assigned duties. The county board
33 shall approve the salary and actual expenses and appropriate
34 the salary and expenses in the manner prescribed by law or

1 ordinance.

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

16 (d) For each State fiscal year, the State's Attorney of
17 Cook County shall appear before the General Assembly and
18 request appropriations to be made from the Capital Litigation
19 Trust Fund to the State Treasurer for the purpose of
20 providing assistance in the prosecution of capital cases in
21 Cook County. The State's Attorney may appear before the
22 General Assembly at other times during the State's fiscal
23 year to request supplemental appropriations from the Trust
24 Fund to the State Treasurer.

25 (e) The State's Attorney shall have the authority to
26 enter into a written agreement with the Department of Revenue
27 for pursuit of civil liability under Section 17-1a of the
28 Criminal Code of 1961 against persons who have issued to the
29 Department checks or other orders in violation of the
30 provisions of paragraph (d) of subsection (B) of Section 17-1
31 of the Criminal Code of 1961, with the Department to retain
32 the amount owing upon the dishonored check or order along
33 with the dishonored check fee imposed under the Uniform
34 Penalty and Interest Act, with the balance of damages, fees,

1 and costs collected under Section 17-1a of the Criminal Code
2 of 1961 to be retained by the State's Attorney. The
3 agreement shall not affect the allocation of fines and costs
4 imposed in any criminal prosecution.

5 (Source: P.A. 91-589, eff. 1-1-00; 92-492, eff. 1-1-02.)