



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB3318

Introduced 2/24/2011, by Rep. Bill Mitchell

SYNOPSIS AS INTRODUCED:

See Index

Provides that if and only if the provisions of Senate Bill 3539 of the 96th General Assembly become law, creates the First Degree Murder Litigation Act. Provides that if an indigent defendant is charged with first degree murder and the State's Attorney has not filed a certificate indicating he or she will seek a plea negotiation to reduce the charges from first degree murder to a lesser offense or stated on the record in open court that he or she will seek a plea negotiation to reduce the charges from first degree murder to a lesser offense, the trial court shall immediately appoint the Public Defender, or such other qualified attorney or attorneys as the Illinois Supreme Court shall by rule provide, to represent the defendant. If the Public Defender is appointed he or she shall immediately assign the attorney or attorneys to represent the defendant. Provides that the assigned attorneys shall meet the qualifications as the Supreme Court shall by rule provide. Provides that the assigned attorneys shall receive compensation at a rate not to exceed \$125 per hour, adjusted annually for inflation. Creates the First Degree Murder Litigation Trust Fund as a special fund in the State treasury. Provides that money deposited into the Trust Fund shall be used exclusively for the purposes of providing funding for the pre-trial, trial, and post-conviction review in the prosecution and defense of first degree murder cases and shall not be appropriated, loaned, or in any manner transferred to the General Revenue Fund of the State of Illinois. Amends various Acts to make conforming changes.

LRB097 09308 RLC 49443 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning first degree murder.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the First
5 Degree Murder Litigation Act.

6 Section 5. Appointment of trial counsel in first degree
7 murder cases. If an indigent defendant is charged with first
8 degree murder, and the State's Attorney has not, at or before
9 arraignment, filed a certificate indicating he or she will seek
10 a plea negotiation to reduce the charges from first degree
11 murder to a lesser offense or stated on the record in open
12 court that he or she will seek a plea negotiation to reduce the
13 charges from first degree murder to a lesser offense, the trial
14 court shall immediately appoint the Public Defender, or such
15 other qualified attorney or attorneys as the Illinois Supreme
16 Court shall by rule provide, to represent the defendant as
17 trial counsel. If the Public Defender is appointed, he or she
18 shall immediately assign such attorney or attorneys who are
19 public defenders to represent the defendant. The counsel shall
20 meet the qualifications as the Supreme Court shall by rule
21 provide. At the request of court appointed counsel in a case in
22 which first degree murder charges are sought, attorneys
23 employed by the State Appellate Defender may enter an

1 appearance for the limited purpose of assisting counsel
2 appointed under this Section.

3 Section 10. Court appointed trial counsel; compensation
4 and expenses.

5 (a) This Section applies only to compensation and expenses
6 of trial counsel appointed by the court as set forth in Section
7 5, other than public defenders, for the period after
8 arraignment and so long as the State's Attorney has not, at any
9 time, filed a certificate indicating he or she will seek a plea
10 negotiation to reduce the charges from first degree murder to a
11 lesser offense or stated on the record in open court that he or
12 she will seek a plea negotiation to reduce the charges from
13 first degree murder to a lesser offense.

14 (a-5) Litigation budget.

15 (1) In a case in which the State has filed a statement
16 of intent to seek a first degree murder prosecution, the
17 court shall require appointed counsel, including those
18 appointed in Cook County, after counsel has had adequate
19 time to review the case and prior to engaging trial
20 assistance, to submit a proposed estimated litigation
21 budget for court approval that will be subject to
22 modification in light of facts and developments that emerge
23 as the case proceeds. Case budgets should be submitted ex
24 parte and filed and maintained under seal in order to
25 protect the defendant's right to effective assistance of

1 counsel, right not to incriminate him or herself, and all
2 applicable privileges. Case budgets shall be reviewed and
3 approved by the judge assigned to try the case. As provided
4 under subsection (c) of this Section, petitions for
5 compensation shall be reviewed by both the trial judge and
6 the presiding judge or the presiding judge's designee.

7 (2) The litigation budget shall serve purposes
8 comparable to those of private retainer agreements by
9 confirming both the court's and the attorney's
10 expectations regarding fees and expenses. Consideration
11 should be given to employing an ex parte pretrial
12 conference in order to facilitate reaching agreement on a
13 litigation budget at the earliest opportunity.

14 (3) The budget shall be incorporated into a sealed
15 initial pretrial order that reflects the understandings of
16 the court and counsel regarding all matters affecting
17 counsel compensation and reimbursement and payments for
18 investigative, expert and other services, including but
19 not limited to the following matters:

20 (A) the hourly rate at which counsel will be
21 compensated;

22 (B) the hourly rate at which private
23 investigators, other than investigators employed by
24 the Office of the State Appellate Defender, will be
25 compensated; and

26 (C) the best preliminary estimate that can be made

1 of the cost of all services, including, but not limited
2 to, counsel, expert, and investigative services, that
3 are likely to be needed through the guilt and penalty
4 phases of the trial. The court shall have discretion to
5 require that budgets be prepared for shorter intervals
6 of time.

7 (4) Appointed counsel may obtain, subject to later
8 review, investigative, expert, or other services without
9 prior authorization if necessary for an adequate defense.
10 If such services are obtained, the presiding judge or the
11 presiding judge's designee shall consider in an ex parte
12 proceeding that timely procurement of necessary services
13 could not await prior authorization. If an ex parte hearing
14 is requested by defense counsel or deemed necessary by the
15 trial judge prior to modifying a budget, the ex parte
16 hearing shall be before the presiding judge or the
17 presiding judge's designee. The judge may then authorize
18 such services nunc pro tunc. If the presiding judge or the
19 presiding judge's designee finds that the services were not
20 reasonable, payment may be denied.

21 (5) An approved budget shall guide counsel's use of
22 time and resources by indicating the services for which
23 compensation is authorized. The case budget shall be
24 re-evaluated when justified by changed or unexpected
25 circumstances and shall be modified by the court when
26 reasonable and necessary for an adequate defense. If an ex

1 parte hearing is requested by defense counsel or deemed
2 necessary by the trial judge prior to modifying a budget,
3 the ex parte hearing shall be before the presiding judge or
4 the presiding judge's designee.

5 (b) Appointed trial counsel shall be compensated upon
6 presentment and certification by the circuit court of a claim
7 for services detailing the date, activity, and time duration
8 for which compensation is sought. Compensation for appointed
9 trial counsel may be paid at a reasonable rate not to exceed
10 \$125 per hour. The court shall not authorize payment of bills
11 that are not properly itemized. A request for payment shall be
12 presented under seal and reviewed ex parte with a court
13 reporter present.

14 Beginning in 2013, every January 20, the statutory rate
15 prescribed in this subsection shall be automatically increased
16 or decreased, as applicable, by a percentage equal to the
17 percentage change in the consumer price index-u during the
18 preceding 12-month calendar year. "Consumer price index-u"
19 means the index published by the Bureau of Labor Statistics of
20 the United States Department of Labor that measures the average
21 change in prices of goods and services purchased by all urban
22 consumers, United States city average, all items, 1982-84=100.
23 The new rate resulting from each annual adjustment shall be
24 determined by the State Treasurer and made available to the
25 chief judge of each judicial circuit.

26 (c) Appointed trial counsel may also petition the court for

1 certification of expenses for reasonable and necessary first
2 degree murder litigation expenses including, but not limited
3 to, investigatory and other assistance, expert, forensic, and
4 other witnesses, and mitigation specialists. Each provider of
5 proposed services must specify the best preliminary estimate
6 that can be made in light of information received in the case
7 at that point, and the provider must sign this estimate under
8 the provisions of Section 1-109 of the Code of Civil Procedure.
9 A provider of proposed services must also specify (1) his or
10 her hourly rate; (2) the hourly rate of anyone else in his or
11 her employ for whom reimbursement is sought; and (3) the hourly
12 rate of any person or entity that may be subcontracted to
13 perform these services. Counsel may not petition for
14 certification of expenses that may have been provided or
15 compensated by the State Appellate Defender under item (c)(5)
16 of Section 10 of the State Appellate Defender Act. The
17 petitions shall be filed under seal and considered ex parte but
18 with a court reporter present for all ex parte conferences. If
19 the requests are submitted after services have been rendered,
20 the requests shall be supported by an invoice describing the
21 services rendered, the dates the services were performed and
22 the amount of time spent. These petitions shall be reviewed by
23 both the trial judge and the presiding judge of the circuit
24 court or the presiding judge's designee. The petitions and
25 orders shall be kept under seal and shall be exempt from
26 Freedom of Information Act requests until the conclusion of the

1 trial, even if the prosecution chooses not to pursue a first
2 degree murder prosecution prior to trial. If an ex parte
3 hearing is requested by defense counsel or deemed necessary by
4 the trial judge, the hearing shall be before the presiding
5 judge or the presiding judge's designee.

6 (d) Appointed trial counsel shall petition the court for
7 certification of compensation and expenses under this Section
8 periodically during the course of counsel's representation.
9 The petitions shall be supported by itemized bills showing the
10 date, the amount of time spent, the work done, and the total
11 being charged for each entry. The court shall not authorize
12 payment of bills that are not properly itemized. The court must
13 certify reasonable and necessary expenses of the petitioner for
14 travel and per diem (lodging, meals, and incidental expenses).
15 These expenses must be paid at the rate as promulgated by the
16 United States General Services Administration for these
17 expenses for the date and location in which they were incurred,
18 unless extraordinary reasons are shown for the difference. The
19 petitions shall be filed under seal and considered ex parte but
20 with a court reporter present for all ex parte conferences. The
21 petitions shall be reviewed by both the trial judge and the
22 presiding judge of the circuit court or the presiding judge's
23 designee. If an ex parte hearing is requested by defense
24 counsel or deemed necessary by the trial judge, the ex parte
25 hearing shall be before the presiding judge or the presiding
26 judge's designee. If the court determines that the compensation

1 and expenses should be paid from the First Degree Murder
2 Litigation Trust Fund, the court shall certify, on a form
3 created by the State Treasurer, that all or a designated
4 portion of the amount requested is reasonable, necessary, and
5 appropriate for payment from the Trust Fund. The form must also
6 be signed by lead trial counsel under the provisions of Section
7 1-109 of the Code of Civil Procedure verifying that the amount
8 requested is reasonable, necessary, and appropriate. Bills
9 submitted for payment by any individual or entity seeking
10 payment from the First Degree Murder Litigation Trust Fund must
11 also be accompanied by a form created by the State Treasurer
12 and signed by the individual or responsible agent of the entity
13 under the provisions of Section 1-109 of the Code of Civil
14 Procedure that the amount requested is accurate and truthful
15 and reflects time spent or expenses incurred. Certification of
16 compensation and expenses by a court in any county other than
17 Cook County shall be delivered by the court to the State
18 Treasurer and must be paid by the State Treasurer directly from
19 the First Degree Murder Litigation Trust Fund if there are
20 sufficient moneys in the Trust Fund to pay the compensation and
21 expenses. If the State Treasurer finds within 14 days of his or
22 her receipt of a certification that the compensation and
23 expenses to be paid are unreasonable, unnecessary, or
24 inappropriate, he or she may return the certification to the
25 court setting forth in detail the objection or objections with
26 a request for the court to review the objection or objections

1 before resubmitting the certification. The State Treasurer
2 must send the claimant a copy of the objection or objections.
3 The State Treasurer may only seek a review of a specific
4 objection once. The claimant has 7 days from his or her receipt
5 of the objections to file a response with the court. With or
6 without further hearing, the court must promptly rule on the
7 objections. The petitions and orders shall be kept under seal
8 and shall be exempt from Freedom of Information Act requests
9 until the conclusion of the trial and appeal of the case, even
10 if the prosecution chooses not to pursue a first degree murder
11 prosecution prior to trial. Certification of compensation and
12 expenses by a court in Cook County shall be delivered by the
13 court to the county treasurer and paid by the county treasurer
14 from moneys granted to the county from the First Degree Murder
15 Litigation Trust Fund.

16 Section 15. First Degree Murder Litigation Trust Fund.

17 (a) The First Degree Murder Litigation Trust Fund is
18 created as a special fund in the State treasury. The Trust Fund
19 shall be administered by the State Treasurer to provide moneys
20 for the appropriations to be made, grants to be awarded, and
21 compensation and expenses to be paid under this Act. All
22 interest earned from the investment or deposit of moneys
23 accumulated in the Trust Fund shall, under Section 4.1 of the
24 State Finance Act, be deposited into the Trust Fund.

25 (b) Moneys deposited into the Trust Fund shall not be

1 considered general revenue of the State of Illinois.

2 (c) Moneys deposited into the Trust Fund shall be used
3 exclusively for the purposes of providing funding for the
4 prosecution and defense of first degree murder cases and for
5 providing funding for post-conviction proceedings in first
6 degree murder cases under Article 122 of the Code of Criminal
7 Procedure of 1963 and in relation to petitions filed under
8 Section 2-1401 of the Code of Civil Procedure in relation to
9 first degree murder cases as provided in this Act and shall not
10 be appropriated, loaned, or in any manner transferred to the
11 General Revenue Fund of the State of Illinois.

12 (d) Every fiscal year the State Treasurer shall transfer
13 from the General Revenue Fund to the First Degree Murder
14 Litigation Trust Fund an amount equal to the full amount of
15 moneys appropriated by the General Assembly (both by original
16 and supplemental appropriation), less any unexpended balance
17 from the previous fiscal year, from the First Degree Murder
18 Litigation Trust Fund for the specific purpose of making
19 funding available for the prosecution and defense of first
20 degree murder cases and for the litigation expenses associated
21 with post-conviction proceedings in first degree murder cases
22 under Article 122 of the Code of Criminal Procedure of 1963 and
23 in relation to petitions filed under Section 2-1401 of the Code
24 of Civil Procedure in relation to first degree murder cases.
25 The Public Defender and State's Attorney in Cook County, the
26 State Appellate Defender, the State's Attorneys Appellate

1 Prosecutor, and the Attorney General shall make annual requests
2 for appropriations from the Trust Fund.

3 (1) The Public Defender in Cook County shall request
4 appropriations to the State Treasurer for expenses
5 incurred by the Public Defender and for funding for private
6 appointed defense counsel in Cook County.

7 (2) The State's Attorney in Cook County shall request
8 an appropriation to the State Treasurer for expenses
9 incurred by the State's Attorney.

10 (3) The State Appellate Defender shall request a direct
11 appropriation from the Trust Fund for expenses incurred by
12 the State Appellate Defender in providing assistance to
13 trial attorneys under item (c)(5) of Section 10 of the
14 State Appellate Defender Act and for expenses incurred by
15 the State Appellate Defender in representing petitioners
16 in first degree murder cases in post-conviction
17 proceedings under Article 122 of the Code of Criminal
18 Procedure of 1963 and in relation to petitions filed under
19 Section 2-1401 of the Code of Civil Procedure in relation
20 to first degree murder cases and for the representation of
21 those petitioners by attorneys approved by or contracted
22 with the State Appellate Defender and an appropriation to
23 the State Treasurer for payments from the Trust Fund for
24 the defense of cases in counties other than Cook County.

25 (4) The State's Attorneys Appellate Prosecutor shall
26 request a direct appropriation from the Trust Fund to pay

1 expenses incurred by the State's Attorneys Appellate
2 Prosecutor and an appropriation to the State Treasurer for
3 payments from the Trust Fund for expenses incurred by
4 State's Attorneys in counties other than Cook County.

5 (5) The Attorney General shall request a direct
6 appropriation from the Trust Fund to pay expenses incurred
7 by the Attorney General in assisting the State's Attorneys
8 in counties other than Cook County and to pay for expenses
9 incurred by the Attorney General when the Attorney General
10 is ordered by the presiding judge of the Criminal Division
11 of the Circuit Court of Cook County to prosecute or
12 supervise the prosecution of Cook County cases and for
13 expenses incurred by the Attorney General in representing
14 the State in post-conviction proceedings in first degree
15 murder cases under Article 122 of the Code of Criminal
16 Procedure of 1963 and in relation to petitions filed under
17 Section 2-1401 of the Code of Civil Procedure in relation
18 to capital cases.

19 The Public Defender and State's Attorney in Cook County,
20 the State Appellate Defender, the State's Attorneys Appellate
21 Prosecutor, and the Attorney General may each request
22 supplemental appropriations from the Trust Fund during the
23 fiscal year.

24 (e) Moneys in the Trust Fund shall be expended only as
25 follows:

26 (1) To pay the State Treasurer's costs to administer

1 the Trust Fund. The amount for this purpose may not exceed
2 5% in any one fiscal year of the amount otherwise
3 appropriated from the Trust Fund in the same fiscal year.

4 (2) To pay the first degree murder litigation expenses
5 of trial defense and post-conviction proceedings in first
6 degree murder cases under Article 122 of the Code of
7 Criminal Procedure of 1963 and in relation to petitions
8 filed under Section 2-1401 of the Code of Civil Procedure
9 in relation to first degree murder cases including, but not
10 limited to, DNA testing, including DNA testing under
11 Section 116-3 of the Code of Criminal Procedure of 1963,
12 analysis, and expert testimony, investigatory and other
13 assistance, expert, forensic, and other witnesses, and
14 mitigation specialists, and grants and aid provided to
15 public defenders, appellate defenders, and any attorney
16 approved by or contracted with the State Appellate Defender
17 representing petitioners in post-conviction proceedings in
18 first degree murder cases under Article 122 of the Code of
19 Criminal Procedure of 1963 and in relation to petitions
20 filed under Section 2-1401 of the Code of Civil Procedure
21 in relation to first degree murder cases or assistance to
22 attorneys who have been appointed by the court to represent
23 defendants who are charged with first degree murder.
24 Reasonable and necessary first degree murder litigation
25 expenses include travel and per diem (lodging, meals, and
26 incidental expenses).

1 (3) To pay the compensation of trial attorneys, other
2 than public defenders or appellate defenders, who have been
3 appointed by the court to represent defendants who are
4 charged with first degree murder or attorneys approved by
5 or contracted with the State Appellate Defender to
6 represent petitioners in post-conviction proceedings in
7 first degree murder cases under Article 122 of the Code of
8 Criminal Procedure of 1963 and in relation to petitions
9 filed under Section 2-1401 of the Code of Civil Procedure
10 in relation to first degree murder cases.

11 (4) To provide State's Attorneys with funding for first
12 degree murder litigation expenses and for expenses of
13 representing the State in post-conviction proceedings in
14 first degree murder cases under Article 122 of the Code of
15 Criminal Procedure of 1963 and in relation to petitions
16 filed under Section 2-1401 of the Code of Civil Procedure
17 in relation to first degree murder cases including, but not
18 limited to, investigatory and other assistance and expert,
19 forensic, and other witnesses necessary to prosecute first
20 degree murder cases. State's Attorneys in any county other
21 than Cook County seeking funding for first degree murder
22 litigation expenses and for expenses of representing the
23 State in post-conviction proceedings in first degree
24 murder cases under Article 122 of the Code of Criminal
25 Procedure of 1963 and in relation to petitions filed under
26 Section 2-1401 of the Code of Civil Procedure in relation

1 to first degree murder cases including, but not limited to,
2 investigatory and other assistance and expert, forensic,
3 or other witnesses under this Section may request that the
4 State's Attorneys Appellate Prosecutor or the Attorney
5 General, as the case may be, certify the expenses as
6 reasonable, necessary, and appropriate for payment from
7 the Trust Fund, on a form created by the State Treasurer.
8 Upon certification of the expenses and delivery of the
9 certification to the State Treasurer, the Treasurer shall
10 pay the expenses directly from the First Degree Murder
11 Litigation Trust Fund if there are sufficient moneys in the
12 Trust Fund to pay the expenses.

13 (5) To provide financial support through the Attorney
14 General pursuant to the Attorney General Act for the
15 several county State's Attorneys outside of Cook County,
16 but shall not be used to increase personnel for the
17 Attorney General's Office, except when the Attorney
18 General is ordered by the presiding judge of the Criminal
19 Division of the Circuit Court of Cook County to prosecute
20 or supervise the prosecution of Cook County cases.

21 (6) To provide financial support through the State's
22 Attorneys Appellate Prosecutor pursuant to the State's
23 Attorneys Appellate Prosecutor's Act for the several
24 county State's Attorneys outside of Cook County, but shall
25 not be used to increase personnel for the State's Attorneys
26 Appellate Prosecutor.

1 (7) To provide financial support to the State Appellate
2 Defender pursuant to the State Appellate Defender Act.

3 Moneys expended from the Trust Fund shall be in addition to
4 county funding for Public Defenders and State's Attorneys, and
5 shall not be used to supplant or reduce ordinary and customary
6 county funding.

7 (f) Moneys in the Trust Fund shall be appropriated to the
8 State Appellate Defender, the State's Attorneys Appellate
9 Prosecutor, the Attorney General, and the State Treasurer. The
10 State Appellate Defender shall receive an appropriation from
11 the Trust Fund to enable it to provide assistance to appointed
12 defense counsel and attorneys approved by or contracted with
13 the State Appellate Defender to represent petitioners in
14 post-conviction proceedings in first degree murder cases under
15 Article 122 of the Code of Criminal Procedure of 1963 and in
16 relation to petitions filed under Section 2-1401 of the Code of
17 Civil Procedure in relation to first degree murder cases
18 throughout the State and to Public Defenders in counties other
19 than Cook. The State's Attorneys Appellate Prosecutor and the
20 Attorney General shall receive appropriations from the Trust
21 Fund to enable them to provide assistance to State's Attorneys
22 in counties other than Cook County and when the Attorney
23 General is ordered by the presiding judge of the Criminal
24 Division of the Circuit Court of Cook County to prosecute or
25 supervise the prosecution of Cook County cases. Moneys shall be
26 appropriated to the State Treasurer to enable the Treasurer (i)

1 to make grants to Cook County, (ii) to pay the expenses of
2 Public Defenders, the State Appellate Defender, the Attorney
3 General, the Office of the State's Attorneys Appellate
4 Prosecutor, and State's Attorneys in counties other than Cook
5 County, (iii) to pay the expenses and compensation of appointed
6 defense counsel and attorneys approved by or contracted with
7 the State Appellate Defender to represent petitioners in
8 post-conviction proceedings in first degree murder cases under
9 Article 122 of the Code of Criminal Procedure of 1963 and in
10 relation to petitions filed under Section 2-1401 of the Code of
11 Civil Procedure in relation to first degree murder cases in
12 counties other than Cook County, and (iv) to pay the costs of
13 administering the Trust Fund. All expenditures and grants made
14 from the Trust Fund shall be subject to audit by the Auditor
15 General.

16 (g) For Cook County, grants from the Trust Fund shall be
17 made and administered as follows:

18 (1) For each State fiscal year, the State's Attorney
19 and Public Defender must each make a separate application
20 to the State Treasurer for first degree murder litigation
21 grants.

22 (2) The State Treasurer shall establish rules and
23 procedures for grant applications. The rules shall require
24 the Cook County Treasurer as the grant recipient to report
25 on a periodic basis to the State Treasurer how much of the
26 grant has been expended, how much of the grant is

1 remaining, and the purposes for which the grant has been
2 used. The rules may also require the Cook County Treasurer
3 to certify on a periodic basis that expenditures of the
4 funds have been made for expenses that are reasonable,
5 necessary, and appropriate for payment from the Trust Fund.

6 (3) The State Treasurer shall make the grants to the
7 Cook County Treasurer as soon as possible after the
8 beginning of the State fiscal year.

9 (4) The State's Attorney or Public Defender may apply
10 for supplemental grants during the fiscal year.

11 (5) Grant moneys shall be paid to the Cook County
12 Treasurer in block grants and held in separate accounts for
13 the State's Attorney, the Public Defender, and court
14 appointed defense counsel other than the Cook County Public
15 Defender, respectively, for the designated fiscal year,
16 and are not subject to county appropriation.

17 (6) Expenditure of grant moneys under this subsection
18 (g) is subject to audit by the Auditor General.

19 (7) The Cook County Treasurer shall immediately make
20 payment from the appropriate separate account in the county
21 treasury for first degree murder litigation expenses to the
22 State's Attorney, Public Defender, or court appointed
23 defense counsel other than the Public Defender, as the case
24 may be, upon order of the State's Attorney, Public
25 Defender, or the court, respectively.

26 (h) If a defendant in a first degree murder case in Cook

1 County is represented by court appointed counsel other than the
2 Cook County Public Defender, the appointed counsel shall
3 petition the court for an order directing the Cook County
4 Treasurer to pay the court appointed counsel's reasonable and
5 necessary compensation and first degree murder litigation
6 expenses from grant moneys provided from the Trust Fund. The
7 petitions shall be supported by itemized bills showing the
8 date, the amount of time spent, the work done, and the total
9 being charged for each entry. The court shall not authorize
10 payment of bills that are not properly itemized. The petitions
11 shall be filed under seal and considered ex parte but with a
12 court reporter present for all ex parte conferences. The
13 petitions shall be reviewed by both the trial judge and the
14 presiding judge of the circuit court or the presiding judge's
15 designee. The petitions and orders shall be kept under seal and
16 shall be exempt from Freedom of Information requests until the
17 conclusion of the trial and appeal of the case, even if the
18 prosecution chooses not to pursue a first degree murder
19 prosecution prior to trial. Orders denying petitions for
20 compensation or expenses are final. Counsel may not petition
21 for expenses that may have been provided or compensated by the
22 State Appellate Defender under item (c) (5) of Section 10 of the
23 State Appellate Defender Act.

24 (i) In counties other than Cook County, and when the
25 Attorney General is ordered by the presiding judge of the
26 Criminal Division of the Circuit Court of Cook County to

1 prosecute or supervise the prosecution of Cook County cases,
2 and excluding first degree murder litigation expenses or
3 services that may have been provided by the State Appellate
4 Defender under item (c) (5) of Section 10 of the State Appellate
5 Defender Act:

6 (1) Upon certification by the circuit court, on a form
7 created by the State Treasurer, that all or a portion of
8 the expenses are reasonable, necessary, and appropriate
9 for payment from the Trust Fund and the court's delivery of
10 the certification to the Treasurer, the Treasurer shall pay
11 the certified expenses of Public Defenders and the State
12 Appellate Defender from the money appropriated to the
13 Treasurer for first degree murder litigation expenses of
14 Public Defenders and post-conviction proceeding expenses
15 in first degree murder cases of the State Appellate
16 Defender and expenses in relation to petitions filed under
17 Section 2-1401 of the Code of Civil Procedure in relation
18 to first degree murder cases in any county other than Cook
19 County, if there are sufficient moneys in the Trust Fund to
20 pay the expenses.

21 (2) If a defendant in a first degree murder case is
22 represented by court appointed counsel other than the
23 Public Defender, the appointed counsel shall petition the
24 court to certify compensation and first degree murder
25 litigation expenses including, but not limited to,
26 investigatory and other assistance, expert, forensic, and

1 other witnesses, and mitigation specialists as reasonable,
2 necessary, and appropriate for payment from the Trust Fund.
3 If a petitioner in a first degree murder case who has filed
4 a petition for post-conviction relief under Article 122 of
5 the Code of Criminal Procedure of 1963 or a petition under
6 Section 2-1401 of the Code of Civil Procedure in relation
7 to first degree murder cases is represented by an attorney
8 approved by or contracted with the State Appellate Defender
9 other than the State Appellate Defender, that attorney
10 shall petition the court to certify compensation and
11 litigation expenses of post-conviction proceedings under
12 Article 122 of the Code of Criminal Procedure of 1963 or in
13 relation to petitions filed under Section 2-1401 of the
14 Code of Civil Procedure in relation to first degree murder
15 cases. Upon certification on a form created by the State
16 Treasurer of all or a portion of the compensation and
17 expenses certified as reasonable, necessary, and
18 appropriate for payment from the Trust Fund and the court's
19 delivery of the certification to the Treasurer, the State
20 Treasurer shall pay the certified compensation and
21 expenses from the money appropriated to the Treasurer for
22 that purpose, if there are sufficient moneys in the Trust
23 Fund to make those payments.

24 (3) A petition for first degree murder litigation
25 expenses or post-conviction proceeding expenses or
26 expenses incurred in filing a petition under Section 2-1401

1 of the Code of Civil Procedure in relation to first degree
2 murder cases under this subsection shall be considered
3 under seal and reviewed ex parte with a court reporter
4 present. Orders denying petitions for compensation or
5 expenses are final.

6 (j) If the Trust Fund is discontinued or dissolved by an
7 Act of the General Assembly or by operation of law, any balance
8 remaining in the Trust Fund shall be returned to the General
9 Revenue Fund after deduction of administrative costs, any other
10 provision of this Act to the contrary notwithstanding.

11 Section 20. Report. The Cook County Public Defender, the
12 Cook County State's Attorney, the State Appellate Defender, the
13 State's Attorneys Appellate Prosecutor, and the Attorney
14 General shall each report separately to the General Assembly by
15 January 1, 2016 detailing the amounts of money received by them
16 through this Act, the uses for which those funds were expended,
17 the balances then in the First Degree Murder Litigation Trust
18 Fund or county accounts, as the case may be, dedicated to them
19 for the use and support of Public Defenders, appointed trial
20 defense counsel, and State's Attorneys, as the case may be. The
21 report shall describe and discuss the need for continued
22 funding through the Fund and contain any suggestions for
23 changes to this Act.

24 Section 25. Operation of Act. This Act shall not become

1 operational unless the provisions of Senate Bill 3539 of the
2 96th General Assembly become law.

3 Section 105. If and only if the provisions of Senate Bill
4 3539 of the 96th General Assembly become law, the Freedom of
5 Information Act is amended by changing Section 7.5 as follows:

6 (5 ILCS 140/7.5)

7 Sec. 7.5. Statutory Exemptions. To the extent provided for
8 by the statutes referenced below, the following shall be exempt
9 from inspection and copying:

10 (a) All information determined to be confidential under
11 Section 4002 of the Technology Advancement and Development Act.

12 (b) Library circulation and order records identifying
13 library users with specific materials under the Library Records
14 Confidentiality Act.

15 (c) Applications, related documents, and medical records
16 received by the Experimental Organ Transplantation Procedures
17 Board and any and all documents or other records prepared by
18 the Experimental Organ Transplantation Procedures Board or its
19 staff relating to applications it has received.

20 (d) Information and records held by the Department of
21 Public Health and its authorized representatives relating to
22 known or suspected cases of sexually transmissible disease or
23 any information the disclosure of which is restricted under the
24 Illinois Sexually Transmissible Disease Control Act.

1 (e) Information the disclosure of which is exempted under
2 Section 30 of the Radon Industry Licensing Act.

3 (f) Firm performance evaluations under Section 55 of the
4 Architectural, Engineering, and Land Surveying Qualifications
5 Based Selection Act.

6 (g) Information the disclosure of which is restricted and
7 exempted under Section 50 of the Illinois Prepaid Tuition Act.

8 (h) Information the disclosure of which is exempted under
9 the State Officials and Employees Ethics Act, and records of
10 any lawfully created State or local inspector general's office
11 that would be exempt if created or obtained by an Executive
12 Inspector General's office under that Act.

13 (i) Information contained in a local emergency energy plan
14 submitted to a municipality in accordance with a local
15 emergency energy plan ordinance that is adopted under Section
16 11-21.5-5 of the Illinois Municipal Code.

17 (j) Information and data concerning the distribution of
18 surcharge moneys collected and remitted by wireless carriers
19 under the Wireless Emergency Telephone Safety Act.

20 (k) Law enforcement officer identification information or
21 driver identification information compiled by a law
22 enforcement agency or the Department of Transportation under
23 Section 11-212 of the Illinois Vehicle Code.

24 (l) Records and information provided to a residential
25 health care facility resident sexual assault and death review
26 team or the Executive Council under the Abuse Prevention Review

1 Team Act.

2 (m) Information provided to the predatory lending database
3 created pursuant to Article 3 of the Residential Real Property
4 Disclosure Act, except to the extent authorized under that
5 Article.

6 (n) Defense budgets and petitions for certification of
7 compensation and expenses for court appointed trial counsel as
8 provided under Sections 10 and 15 of the First Degree Murder
9 ~~Capital Crimes~~ Litigation Act. This subsection (n) shall apply
10 until the conclusion of the trial of the case, even if the
11 prosecution chooses not to pursue first degree murder charges
12 ~~the death penalty~~ prior to trial ~~or sentencing~~.

13 (o) Information that is prohibited from being disclosed
14 under Section 4 of the Illinois Health and Hazardous Substances
15 Registry Act.

16 (p) Security portions of system safety program plans,
17 investigation reports, surveys, schedules, lists, data, or
18 information compiled, collected, or prepared by or for the
19 Regional Transportation Authority under Section 2.11 of the
20 Regional Transportation Authority Act or the St. Clair County
21 Transit District under the Bi-State Transit Safety Act.

22 (q) Information prohibited from being disclosed by the
23 Personnel Records Review Act.

24 (r) Information prohibited from being disclosed by the
25 Illinois School Student Records Act.

26 (s) Information the disclosure of which is restricted under

1 Section 5-108 of the Public Utilities Act.

2 (t) All identified or deidentified health information in
3 the form of health data or medical records contained in, stored
4 in, submitted to, transferred by, or released from the Illinois
5 Health Information Exchange, and identified or deidentified
6 health information in the form of health data and medical
7 records of the Illinois Health Information Exchange in the
8 possession of the Illinois Health Information Exchange
9 Authority due to its administration of the Illinois Health
10 Information Exchange. The terms "identified" and
11 "deidentified" shall be given the same meaning as in the Health
12 Insurance Accountability and Portability Act of 1996, Public
13 Law 104-191, or any subsequent amendments thereto, and any
14 regulations promulgated thereunder.

15 (u) ~~(t)~~ Records and information provided to an independent
16 team of experts under Brian's Law.

17 (Source: P.A. 96-542, eff. 1-1-10; 96-1235, eff. 1-1-11;
18 96-1331, eff. 7-27-10; revised 9-2-10.)

19 Section 110. If and only if the provisions of Senate Bill
20 3539 become law, the State Finance Act is amended by adding
21 Section 5.786 as follows:

22 (30 ILCS 105/5.786 new)

23 Sec. 5.786. The First Degree Murder Litigation Trust Fund.

1 Section 115. If and only if the provisions of Senate Bill
2 3539 become law, the Counties Code is amended by changing
3 Sections 3-4006.1 and 3-9005 as follows:

4 (55 ILCS 5/3-4006.1)

5 Sec. 3-4006.1. Powers and Duties of the Cook County Public
6 Defender. For each State fiscal year, the Cook County Public
7 Defender shall appear before the General Assembly and request
8 appropriations to be made from the First Degree Murder ~~Capital~~
9 Litigation Trust Fund to the State Treasurer for the purpose of
10 providing trial defense assistance in first degree murder
11 ~~capital~~ cases. The Public Defender may appear before the
12 General Assembly at other times during the State's fiscal year
13 to request supplemental appropriations be made from the Trust
14 Fund to the State Treasurer.

15 (Source: P.A. 91-589, eff. 1-1-00.)

16 (55 ILCS 5/3-9005) (from Ch. 34, par. 3-9005)

17 Sec. 3-9005. Powers and duties of State's attorney.

18 (a) The duty of each State's attorney shall be:

19 (1) To commence and prosecute all actions, suits,
20 indictments and prosecutions, civil and criminal, in the
21 circuit court for his county, in which the people of the
22 State or county may be concerned.

23 (2) To prosecute all forfeited bonds and
24 recognizances, and all actions and proceedings for the

1 recovery of debts, revenues, moneys, fines, penalties and
2 forfeitures accruing to the State or his county, or to any
3 school district or road district in his county; also, to
4 prosecute all suits in his county against railroad or
5 transportation companies, which may be prosecuted in the
6 name of the People of the State of Illinois.

7 (3) To commence and prosecute all actions and
8 proceedings brought by any county officer in his official
9 capacity.

10 (4) To defend all actions and proceedings brought
11 against his county, or against any county or State officer,
12 in his official capacity, within his county.

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

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

20 (7) To give his opinion, without fee or reward, to any
21 county officer in his county, upon any question or law
22 relating to any criminal or other matter, in which the
23 people or the county may be concerned.

24 (8) To assist the attorney general whenever it may be
25 necessary, and in cases of appeal from his county to the
26 Supreme Court, to which it is the duty of the attorney

1 general to attend, he shall furnish the attorney general at
2 least 10 days before such is due to be filed, a manuscript
3 of a proposed statement, brief and argument to be printed
4 and filed on behalf of the people, prepared in accordance
5 with the rules of the Supreme Court. However, if such
6 brief, argument or other document is due to be filed by law
7 or order of court within this 10 day period, then the
8 State's attorney shall furnish such as soon as may be
9 reasonable.

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

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

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

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

23 (13) To notify, by first-class mail, the State
24 Superintendent of Education, the applicable regional
25 superintendent of schools, and the superintendent of the
26 employing school district or the chief school

1 administrator of the employing nonpublic school, if any,
2 upon the conviction of any individual known to possess a
3 certificate issued pursuant to Article 21 of the School
4 Code of any offense set forth in Section 21-23a of the
5 School Code or any other felony conviction, providing the
6 name of the certificate holder, the fact of the conviction,
7 and the name and location of the court where the conviction
8 occurred. The certificate holder must also be
9 contemporaneously sent a copy of the notice.

10 (b) The State's Attorney of each county shall have
11 authority to appoint one or more special investigators to serve
12 subpoenas, make return of process and conduct investigations
13 which assist the State's Attorney in the performance of his
14 duties. A special investigator shall not carry firearms except
15 with permission of the State's Attorney and only while carrying
16 appropriate identification indicating his employment and in
17 the performance of his assigned duties.

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

22 No special investigator employed by the State's Attorney
23 shall have peace officer status or exercise police powers
24 unless he or she successfully completes the basic police
25 training course mandated and approved by the Illinois Law
26 Enforcement Training Standards Board or such board waives the

1 training requirement by reason of the special investigator's
2 prior law enforcement experience or training or both. Any
3 State's Attorney appointing a special investigator shall
4 consult with all affected local police agencies, to the extent
5 consistent with the public interest, if the special
6 investigator is assigned to areas within that agency's
7 jurisdiction.

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

21 (c) The State's Attorney may request and receive from
22 employers, labor unions, telephone companies, and utility
23 companies location information concerning putative fathers and
24 noncustodial parents for the purpose of establishing a child's
25 paternity or establishing, enforcing, or modifying a child
26 support obligation. In this subsection, "location information"

1 means information about (i) the physical whereabouts of a
2 putative father or noncustodial parent, (ii) the putative
3 father or noncustodial parent's employer, or (iii) the salary,
4 wages, and other compensation paid and the health insurance
5 coverage provided to the putative father or noncustodial parent
6 by the employer of the putative father or noncustodial parent
7 or by a labor union of which the putative father or
8 noncustodial parent is a member.

9 (d) For each State fiscal year, the State's Attorney of
10 Cook County shall appear before the General Assembly and
11 request appropriations to be made from the First Degree Murder
12 ~~Capital~~ Litigation Trust Fund to the State Treasurer for the
13 purpose of providing assistance in the prosecution of first
14 degree murder ~~capital~~ cases in Cook County and for the purpose
15 of providing assistance to the State in post-conviction
16 proceedings in first degree murder ~~capital~~ cases under Article
17 122 of the Code of Criminal Procedure of 1963 and in relation
18 to petitions filed under Section 2-1401 of the Code of Civil
19 Procedure in relation to first degree murder ~~capital~~ cases. The
20 State's Attorney may appear before the General Assembly at
21 other times during the State's fiscal year to request
22 supplemental appropriations from the Trust Fund to the State
23 Treasurer.

24 (e) The State's Attorney shall have the authority to enter
25 into a written agreement with the Department of Revenue for
26 pursuit of civil liability under Section 17-1a of the Criminal

1 Code of 1961 against persons who have issued to the Department
2 checks or other orders in violation of the provisions of
3 paragraph (d) of subsection (B) of Section 17-1 of the Criminal
4 Code of 1961, with the Department to retain the amount owing
5 upon the dishonored check or order along with the dishonored
6 check fee imposed under the Uniform Penalty and Interest Act,
7 with the balance of damages, fees, and costs collected under
8 Section 17-1a of the Criminal Code of 1961 to be retained by
9 the State's Attorney. The agreement shall not affect the
10 allocation of fines and costs imposed in any criminal
11 prosecution.

12 (Source: P.A. 96-431, eff. 8-13-09.)

13 Section 120. If and only if the provisions of Senate Bill
14 3539 become law, the State Appellate Defender Act is amended by
15 changing Section 10 as follows:

16 (725 ILCS 105/10) (from Ch. 38, par. 208-10)

17 Sec. 10. Powers and duties of State Appellate Defender.

18 (a) The State Appellate Defender shall represent indigent
19 persons on appeal in criminal and delinquent minor proceedings,
20 when appointed to do so by a court under a Supreme Court Rule
21 or law of this State.

22 (b) The State Appellate Defender shall submit a budget for
23 the approval of the State Appellate Defender Commission.

24 (c) The State Appellate Defender may:

1 (1) maintain a panel of private attorneys available to
2 serve as counsel on a case basis;

3 (2) establish programs, alone or in conjunction with
4 law schools, for the purpose of utilizing volunteer law
5 students as legal assistants;

6 (3) cooperate and consult with state agencies,
7 professional associations, and other groups concerning the
8 causes of criminal conduct, the rehabilitation and
9 correction of persons charged with and convicted of crime,
10 the administration of criminal justice, and, in counties of
11 less than 1,000,000 population, study, design, develop and
12 implement model systems for the delivery of trial level
13 defender services, and make an annual report to the General
14 Assembly;

15 (4) hire investigators to provide investigative
16 services to appointed counsel and county public defenders;

17 (5) in first degree murder cases ~~in which a death~~
18 ~~sentence is an authorized disposition~~, provide trial
19 counsel with legal assistance and the assistance of expert
20 witnesses, investigators, and mitigation specialists from
21 funds appropriated to the State Appellate Defender
22 specifically for that purpose by the General Assembly. The
23 Office of State Appellate Defender shall not be appointed
24 to serve as trial counsel in first degree murder ~~capital~~
25 cases;

26 (6) develop a Juvenile Defender Resource Center to: (i)

1 study, design, develop, and implement model systems for the
2 delivery of trial level defender services for juveniles in
3 the justice system; (ii) in cases in which a sentence of
4 incarceration or an adult sentence, or both, is an
5 authorized disposition, provide trial counsel with legal
6 advice and the assistance of expert witnesses and
7 investigators from funds appropriated to the Office of the
8 State Appellate Defender by the General Assembly
9 specifically for that purpose; (iii) develop and provide
10 training to public defenders on juvenile justice issues,
11 utilizing resources including the State and local bar
12 associations, the Illinois Public Defender Association,
13 law schools, the Midwest Juvenile Defender Center, and pro
14 bono efforts by law firms; and (iv) make an annual report
15 to the General Assembly.

16 Investigators employed by the First Degree Murder Capital
17 Trial Assistance Unit and First Degree Murder Capital Post
18 Conviction Unit of the State Appellate Defender shall be
19 authorized to inquire through the Illinois State Police or
20 local law enforcement with the Law Enforcement Agencies Data
21 System (LEADS) under Section 2605-375 of the Civil
22 Administrative Code of Illinois to ascertain whether their
23 potential witnesses have a criminal background, including: (i)
24 warrants; (ii) arrests; (iii) convictions; and (iv) officer
25 safety information. This authorization applies only to
26 information held on the State level and shall be used only to

1 protect the personal safety of the investigators. Any
2 information that is obtained through this inquiry may not be
3 disclosed by the investigators.

4 (d) For each State fiscal year, the State Appellate
5 Defender shall request a direct appropriation from the First
6 Degree Murder ~~Capital~~ Litigation Trust Fund for expenses
7 incurred by the State Appellate Defender in providing
8 assistance to trial attorneys under item (c) (5) of this Section
9 and for expenses incurred by the State Appellate Defender in
10 representing petitioners in first degree murder ~~capital~~ cases
11 in post-conviction proceedings under Article 122 of the Code of
12 Criminal Procedure of 1963 and in relation to petitions filed
13 under Section 2-1401 of the Code of Civil Procedure in relation
14 to first degree murder ~~capital~~ cases and for the representation
15 of those petitioners by attorneys approved by or contracted
16 with the State Appellate Defender and an appropriation to the
17 State Treasurer for payments from the Trust Fund for the
18 defense of cases in counties other than Cook County. The State
19 Appellate Defender may appear before the General Assembly at
20 other times during the State's fiscal year to request
21 supplemental appropriations from the Trust Fund to the State
22 Treasurer.

23 (e) The requirement for reporting to the General Assembly
24 shall be satisfied by filing copies of the report with the
25 Speaker, the Minority Leader and the Clerk of the House of
26 Representatives and the President, the Minority Leader and the

1 Secretary of the Senate and the Legislative Research Unit, as
2 required by Section 3.1 of the General Assembly Organization
3 Act and filing such additional copies with the State Government
4 Report Distribution Center for the General Assembly as is
5 required under paragraph (t) of Section 7 of the State Library
6 Act.

7 (Source: P.A. 95-376, eff. 1-1-08; 96-1148, eff. 7-21-10.)

8 Section 125. If and only if the provisions of Senate Bill
9 3539 become law, the Code of Criminal Procedure of 1963 is
10 amended by changing Section 113-3 as follows:

11 (725 ILCS 5/113-3) (from Ch. 38, par. 113-3)

12 Sec. 113-3. (a) Every person charged with an offense shall
13 be allowed counsel before pleading to the charge. If the
14 defendant desires counsel and has been unable to obtain same
15 before arraignment the court shall recess court or continue the
16 cause for a reasonable time to permit defendant to obtain
17 counsel and consult with him before pleading to the charge. If
18 the accused is a dissolved corporation, and is not represented
19 by counsel, the court may, in the interest of justice, appoint
20 as counsel a licensed attorney of this State.

21 (b) In all cases, except where the penalty is a fine only,
22 if the court determines that the defendant is indigent and
23 desires counsel, the Public Defender shall be appointed as
24 counsel. If there is no Public Defender in the county or if the

1 defendant requests counsel other than the Public Defender and
2 the court finds that the rights of the defendant will be
3 prejudiced by the appointment of the Public Defender, the court
4 shall appoint as counsel a licensed attorney at law of this
5 State, except that in a county having a population of 2,000,000
6 or more the Public Defender shall be appointed as counsel in
7 all misdemeanor cases where the defendant is indigent and
8 desires counsel unless the case involves multiple defendants,
9 in which case the court may appoint counsel other than the
10 Public Defender for the additional defendants. The court shall
11 require an affidavit signed by any defendant who requests
12 court-appointed counsel. Such affidavit shall be in the form
13 established by the Supreme Court containing sufficient
14 information to ascertain the assets and liabilities of that
15 defendant. The Court may direct the Clerk of the Circuit Court
16 to assist the defendant in the completion of the affidavit. Any
17 person who knowingly files such affidavit containing false
18 information concerning his assets and liabilities shall be
19 liable to the county where the case, in which such false
20 affidavit is filed, is pending for the reasonable value of the
21 services rendered by the public defender or other
22 court-appointed counsel in the case to the extent that such
23 services were unjustly or falsely procured.

24 (c) Upon the filing with the court of a verified statement
25 of services rendered the court shall order the county treasurer
26 of the county of trial to pay counsel other than the Public

1 Defender a reasonable fee. The court shall consider all
2 relevant circumstances, including but not limited to the time
3 spent while court is in session, other time spent in
4 representing the defendant, and expenses reasonably incurred
5 by counsel. In counties with a population greater than
6 2,000,000, the court shall order the county treasurer of the
7 county of trial to pay counsel other than the Public Defender a
8 reasonable fee stated in the order and based upon a rate of
9 compensation of not more than \$40 for each hour spent while
10 court is in session and not more than \$30 for each hour
11 otherwise spent representing a defendant, and such
12 compensation shall not exceed \$150 for each defendant
13 represented in misdemeanor cases and \$1250 in felony cases, in
14 addition to expenses reasonably incurred as hereinafter in this
15 Section provided, except that, in extraordinary circumstances,
16 payment in excess of the limits herein stated may be made if
17 the trial court certifies that such payment is necessary to
18 provide fair compensation for protracted representation. A
19 trial court may entertain the filing of this verified statement
20 before the termination of the cause, and may order the
21 provisional payment of sums during the pendency of the cause.

22 (d) In first degree murder ~~capital~~ cases, in addition to
23 counsel, if the court determines that the defendant is indigent
24 the court may, upon the filing with the court of a verified
25 statement of services rendered, order the county Treasurer of
26 the county of trial to pay necessary expert witnesses for

1 defendant reasonable compensation stated in the order not to
2 exceed \$250 for each defendant.

3 (e) If the court in any county having a population greater
4 than 2,000,000 determines that the defendant is indigent the
5 court may, upon the filing with the court of a verified
6 statement of such expenses, order the county treasurer of the
7 county of trial, in such counties having a population greater
8 than 2,000,000 to pay the general expenses of the trial
9 incurred by the defendant not to exceed \$50 for each defendant.

10 (f) The provisions of this Section relating to appointment
11 of counsel, compensation of counsel, and payment of expenses in
12 first degree murder ~~capital~~ cases apply except when the
13 compensation and expenses are being provided under the First
14 Degree Murder ~~Capital Crimes~~ Litigation Act.

15 (Source: P.A. 91-589, eff. 1-1-00.)

1		INDEX
2		Statutes amended in order of appearance
3	New Act	
4	5 ILCS 140/7.5	
5	30 ILCS 105/5.786 new	
6	55 ILCS 5/3-4006.1	
7	55 ILCS 5/3-9005	from Ch. 34, par. 3-9005
8	725 ILCS 105/10	from Ch. 38, par. 208-10
9	725 ILCS 5/113-3	from Ch. 38, par. 113-3