

AN ACT concerning criminal law.

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

Section 5. The State's Attorneys Appellate Prosecutor's Act is amended by changing Sections 3, 6, and 7.06 as follows:

(725 ILCS 210/3) (from Ch. 14, par. 203)

Sec. 3. There is created the Office of the State's Attorneys Appellate Prosecutor as a judicial ~~an~~ agency of state government.

(a) The Office of the State's Attorneys Appellate Prosecutor shall be governed by a board of governors which shall consist of 10 members as follows:

(1) Eight State's Attorneys, 2 to be elected from each District containing less than 3,000,000 inhabitants;

(2) The State's Attorney of Cook County; and

(3) One State's Attorney to be annually appointed by the other 9 members.

(b) Voting for elected members shall be by District with each of the State's Attorneys voting from their respective district. Each board member must be duly elected or appointed and serving as State's Attorney in the district from which he was elected or appointed.

(c) Elected members ~~Members~~ shall serve for a term of 2

~~years one year~~ commencing upon their election ~~on the first day of July~~ and until their successors are duly elected or appointed and qualified.

(d) An annual election of members of the board shall be held within 30 days prior or subsequent to the beginning of the fiscal year ~~during the month of June~~, and the board shall certify the results to the Secretary of State.

(e) The board shall promulgate rules of procedure for the election of its members and the conduct of its meetings and shall elect a Chairman and a Vice-Chairman and such other officers as it deems appropriate. The board shall meet at least once every 3 months, and in addition thereto as directed by the Chairman, or upon the special call of any 5 members of the board, in writing, sent to the Chairman, designating the time and place of the meeting.

(f) Five members of the board shall constitute a quorum for the purpose of transacting business.

(g) Members of the board shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their duties.

(h) A position shall be vacated by either a member's resignation, removal or inability to serve as State's Attorney.

(i) Vacancies on the board of elected members shall be filled within 90 ~~30~~ days of the occurrence of the vacancy by a special election held by the State's Attorneys in the district where the vacancy occurred. Vacancies on the board of the

appointed member shall be filled within 90 ~~30~~ days of the occurrence of the vacancy by a special election by the members.

In the case of a special election, the tabulation and certification of the results may be conducted at any regularly scheduled quarterly or special meeting called for that purpose.

A member elected or appointed to fill such position shall serve for the unexpired term of the member whom he is succeeding. Any member may be re-elected or re-appointed for additional terms.

(Source: P.A. 84-1062.)

(725 ILCS 210/6) (from Ch. 14, par. 206)

Sec. 6. The Office is to be organized in the following manner:

(a) The staff of the Office of the State's Attorneys Appellate Prosecutor shall consist of a Director, 4 Deputy Directors, Staff Attorneys and such other administrative, secretarial and clerical employees as may be necessary.

(b) The Director and all Office Attorneys must be licensed to practice law in the State of Illinois. All full-time legal personnel ~~Staff Attorneys and Deputy Directors hired by the Director, with the concurrence of the board,~~ shall devote full time to their duties and may not engage in the private practice of law, except as provided in Section 7.02.

(c) The Director and such other employees as may be hired hereunder shall not be subject to the provisions of the Illinois Personnel Code.

(Source: P.A. 84-1062.)

(725 ILCS 210/7.06) (from Ch. 14, par. 207.06)

Sec. 7.06. (a) The Director may hire no more than 0 ~~12~~ investigators to provide investigative services in criminal cases and tax objection cases for staff counsel and county state's attorneys. Investigators may be authorized by the board to carry tear gas gun projectors or bombs, pistols, revolvers, stun guns, tasers or other firearms.

Subject to the qualifications set forth below, investigators shall be peace officers and shall have all the powers possessed by policemen in cities and by sheriffs; provided, that investigators shall exercise such powers anywhere in the State only after contact and in cooperation with the appropriate local law enforcement agencies.

No investigator shall have peace officer status or exercise police powers unless he or she successfully completes the basic police training course mandated and approved by the Illinois Law Enforcement Training Standards Board or such board waives the training requirement by reason of the investigator's prior law enforcement experience or training or both.

The board shall not waive the training requirement unless the investigator has had a minimum of 5 years experience as a sworn officer of a local, state or federal law enforcement agency, 2 of which shall have been in an investigatory capacity.

(b) The Director must authorize to each investigator employed under this Section and to any other employee of the Office exercising the powers of a peace officer a distinct badge that, on its face, (i) clearly states that the badge is authorized by the Office and (ii) contains a unique identifying number. No other badge shall be authorized by the Office.

(Source: P.A. 91-883, eff. 1-1-01.)

(725 ILCS 210/9.04 rep.)

(725 ILCS 210/10 rep.)

Section 10. The State's Attorneys Appellate Prosecutor's Act is amended by repealing Sections 9.04 and 10.

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