



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB1350

Introduced 1/28/2025, by Rep. David Friess

#### SYNOPSIS AS INTRODUCED:

55 ILCS 5/4-2001

from Ch. 34, par. 4-2001

Amends the Counties Code. Provides that, effective December 1, 2025, a State's Attorney in a county containing fewer than 10,000 inhabitants shall make the same salary as a State's Attorney in county containing more than 10,000 inhabitants but fewer than 20,000 inhabitants. Effective immediately.

LRB104 03519 RTM 13542 b

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 4-2001 as follows:

6 (55 ILCS 5/4-2001) (from Ch. 34, par. 4-2001)  
7 Sec. 4-2001. State's attorney salaries.

8 (a) There shall be allowed to the several state's  
9 attorneys in this State, except the state's attorney of Cook  
10 County, the following annual salary:

11 (1) Subject to paragraphs paragraph (5) and (6), to  
12 each state's attorney in counties containing less than  
13 10,000 inhabitants, \$40,500 until December 31, 1988,  
14 \$45,500 until June 30, 1994, and \$55,500 thereafter or as  
15 set by the Compensation Review Board, whichever is  
16 greater.

17 (2) Subject to paragraphs paragraph (5) and (6), to  
18 each state's attorney in counties containing 10,000 or  
19 more inhabitants but less than 20,000 inhabitants, \$46,500  
20 until December 31, 1988, \$61,500 until June 30, 1994, and  
21 \$71,500 thereafter or as set by the Compensation Review  
22 Board, whichever is greater.

23 (3) Subject to paragraphs paragraph (5) and (6), to

1 each state's attorney in counties containing 20,000 or  
2 more but less than 30,000 inhabitants, \$51,000 until  
3 December 31, 1988, \$65,000 until June 30, 1994, and  
4 \$75,000 thereafter or as set by the Compensation Review  
5 Board, whichever is greater.

6 (4) To each state's attorney in counties of 30,000 or  
7 more inhabitants, \$65,500 until December 31, 1988, \$80,000  
8 until June 30, 1994, and \$96,837 thereafter or as set by  
9 the Compensation Review Board, whichever is greater.

10 (5) Effective December 1, 2000 and until November 30,  
11 2025, to each state's attorney in counties containing  
12 fewer than 30,000 inhabitants, the same salary plus any  
13 cost of living adjustments as authorized by the  
14 Compensation Review Board to take effect after January 1,  
15 1999, for state's attorneys in counties containing 20,000  
16 or more but fewer than 30,000 inhabitants, or as set by the  
17 Compensation Review Board whichever is greater.

18 (6) Effective December 1, 2025, to each state's  
19 attorney in counties containing fewer than 30,000  
20 inhabitants, the same salary plus any cost of living  
21 adjustments as authorized by the Compensation Review Board  
22 to take effect on or after January 1, 2024, for state's  
23 attorneys in counties containing 30,000 or more  
24 inhabitants, or as set by the Compensation Review Board  
25 whichever is greater.

26 The State shall furnish 66 2/3% of the total annual

1 compensation to be paid to each state's attorney in Illinois  
2 based on the salary in effect on December 31, 1988, and 100% of  
3 the increases in salary taking effect after December 31, 1988.

4 Subject to appropriation, said amounts furnished by the  
5 State shall be payable monthly by the Department of Revenue  
6 out of the Personal Property Tax Replacement Fund or the  
7 General Revenue Fund to the county in which each state's  
8 attorney is elected.

9 Each county shall be required to furnish 33 1/3% of the  
10 total annual compensation to be paid to each state's attorney  
11 in Illinois based on the salary in effect on December 31, 1988.

12 Within 90 days after the effective date of this  
13 amendatory Act of the 96th General Assembly, the county board  
14 of any county with a population between 15,000 and 50,000 by  
15 resolution or ordinance may increase the amount of  
16 compensation to be paid to each eligible state's attorney in  
17 their county in the form of a longevity stipend which shall be  
18 added to and become part of the salary of the state's attorney  
19 for that year. To be eligible, the state's attorney must have  
20 served in the elected position for at least 20 continuous  
21 years and elect to participate in a program for an alternative  
22 annuity for county officers and make the required additional  
23 optional contributions as authorized by P.A. 90-32.

24 (b) Effective December 1, 2000, no state's attorney may  
25 engage in the private practice of law. However, until November  
26 30, 2000, (i) the state's attorneys in counties containing

1 fewer than 10,000 inhabitants may engage in the practice of  
2 law, and (ii) in any county between 10,000 and 30,000  
3 inhabitants or in any county containing 30,000 or more  
4 inhabitants which reached that population between 1970 and  
5 December 31, 1981, the state's attorney may declare his or her  
6 intention to engage in the private practice of law, and may do  
7 so through no later than November 30, 2000, by filing a written  
8 declaration of intent to engage in the private practice of law  
9 with the county clerk. The declaration of intention shall be  
10 irrevocable during the remainder of the term of office. The  
11 declaration shall be filed with the county clerk within 30  
12 days of certification of election or appointment, or within 60  
13 days of March 15, 1989, whichever is later. In that event the  
14 annual salary of such state's attorney shall be as follows:

15 (1) In counties containing 10,000 or more inhabitants  
16 but less than 20,000 inhabitants, \$46,500 until December  
17 31, 1988, \$51,500 until June 30, 1994, and \$61,500  
18 thereafter or as set by the Compensation Review Board,  
19 whichever is greater. The State shall furnish 100% of the  
20 increases taking effect after December 31, 1988.

21 (2) In counties containing 20,000 or more inhabitants  
22 but less than 30,000 inhabitants, and in counties  
23 containing 30,000 or more inhabitants which reached said  
24 population between 1970 and December 31, 1981, \$51,500  
25 until December 31, 1988, \$56,000 until June 30, 1994, and  
26 \$65,000 thereafter or as set by the Compensation Review

1 Board, whichever is greater. The State shall furnish 100%  
2 of the increases taking effect after December 31, 1988.

3 (c) In counties where a state mental health institution,  
4 as hereinafter defined, is located, one assistant state's  
5 attorney shall, subject to appropriation, receive for his  
6 services, payable monthly by the Department of Revenue out of  
7 the Personal Property Tax Replacement Fund or the General  
8 Revenue Fund to the county in which he is appointed, the  
9 following:

10 (1) To each assistant state's attorney in counties  
11 containing less than 10,000 inhabitants, the sum of \$2,500  
12 per annum;

13 (2) To each assistant state's attorney in counties  
14 containing not less than 10,000 inhabitants and not more  
15 than 20,000 inhabitants, the sum of \$3,500 per annum;

16 (3) To each assistant state's attorney in counties  
17 containing not less than 20,000 inhabitants and not more  
18 than 30,000 inhabitants, the sum of \$4,000 per annum;

19 (4) To each assistant state's attorney in counties  
20 containing not less than 30,000 inhabitants and not more  
21 than 40,000 inhabitants, the sum of \$4,500 per annum;

22 (5) To each assistant state's attorney in counties  
23 containing not less than 40,000 inhabitants and not more  
24 than 70,000 inhabitants, the sum of \$5,000 per annum;

25 (6) To each assistant state's attorney in counties  
26 containing not less than 70,000 inhabitants and not more

1 than 1,000,000 inhabitants, the sum of \$6,000 per annum.

2 (d) The population of all counties for the purpose of  
3 fixing salaries as herein provided shall be based upon the  
4 last Federal census immediately previous to the appointment of  
5 an assistant state's attorney in each county.

6 (e) At the request of the county governing authority, in  
7 counties where one or more state correctional institutions, as  
8 hereinafter defined, are located, one or more assistant  
9 state's attorneys shall, subject to appropriation, receive for  
10 their services, provided that such services are performed in  
11 connection with the state correctional institution, payable  
12 monthly by the Department of Revenue out of the Personal  
13 Property Tax Replacement Fund or the General Revenue Fund to  
14 the county in which they are appointed, the following:

15 (1) \$22,000 for each assistant state's attorney in  
16 counties with one or more State correctional institutions  
17 with a total average daily inmate population in excess of  
18 2,000, on the basis of 2 assistant state's attorneys when  
19 the total average daily inmate population exceeds 2,000  
20 but is less than 4,000; and 3 assistant state's attorneys  
21 when such population exceeds 4,000; with reimbursement to  
22 be based on actual services rendered.

23 (2) \$15,000 per year for one assistant state's  
24 attorney in counties having one or more correctional  
25 institutions with a total average daily inmate population  
26 of between 750 and 2,000 inmates, with reimbursement to be

1 based on actual services rendered.

2 (3) A maximum of \$12,000 per year for one assistant  
3 state's attorney in counties having less than 750 inmates,  
4 with reimbursement to be based on actual services  
5 rendered.

6 Upon application of the county governing authority and  
7 certification of the State's Attorney, the Director of  
8 Corrections may, in his discretion and subject to  
9 appropriation, increase the amount of salary reimbursement  
10 to a county in the event special circumstances require the  
11 county to incur extraordinary salary expenditures as a  
12 result of services performed in connection with State  
13 correctional institutions in that county.

14 In determining whether or not to increase the amount of  
15 salary reimbursement, the Director shall consider, among other  
16 matters:

17 (1) the nature of the services rendered;

18 (2) the results or dispositions obtained;

19 (3) whether or not the county was required to employ  
20 additional attorney personnel as a direct result of the  
21 services actually rendered in connection with a particular  
22 service to a State correctional institution.

23 (f) In counties where a State senior institution of higher  
24 education is located, the assistant state's attorneys  
25 specified by this Section shall, subject to appropriation,  
26 receive for their services, payable monthly by the Department

1 of Revenue out of the Personal Property Tax Replacement Fund  
2 or the General Revenue Fund to the county in which appointed,  
3 the following:

4 (1) \$14,000 per year each for employment on a full  
5 time basis for 2 assistant state's attorneys in counties  
6 having a State university or State universities with  
7 combined full time enrollment of more than 15,000  
8 students.

9 (2) \$7,200 per year for one assistant state's attorney  
10 with no limitation on other practice in counties having a  
11 State university or State universities with combined full  
12 time enrollment of 10,000 to 15,000 students.

13 (3) \$4,000 per year for one assistant state's attorney  
14 with no limitation on other practice in counties having a  
15 State university or State universities with combined full  
16 time enrollment of less than 10,000 students.

17 Such salaries shall be paid to the state's attorney and  
18 the assistant state's attorney in equal monthly installments  
19 by such county out of the county treasury provided that,  
20 subject to appropriation, the Department of Revenue shall  
21 reimburse each county monthly, out of the Personal Property  
22 Tax Replacement Fund or the General Revenue Fund, the amount  
23 of such salary. This Section shall not prevent the payment of  
24 such additional compensation to the state's attorney or  
25 assistant state's attorney of any county, out of the treasury  
26 of that county as may be provided by law.

1 (g) For purposes of this Section, "State mental health  
2 institution" means any institution under the jurisdiction of  
3 the Department of Human Services that is listed in Section 4 of  
4 the Mental Health and Developmental Disabilities  
5 Administrative Act.

6 For purposes of this Section, "State correctional  
7 institution" means any facility of the Department of  
8 Corrections including adult facilities, juvenile facilities,  
9 pre-release centers, community correction centers, and work  
10 camps.

11 For purposes of this Section, "State university" means the  
12 University of Illinois, Southern Illinois University, Chicago  
13 State University, Eastern Illinois University, Governors State  
14 University, Illinois State University, Northeastern Illinois  
15 University, Northern Illinois University, Western Illinois  
16 University, and any public community college which has  
17 established a program of interinstitutional cooperation with  
18 one of the foregoing institutions whereby a student, after  
19 earning an associate degree from the community college,  
20 pursues a course of study at the community college campus  
21 leading to a baccalaureate degree from the foregoing  
22 institution (also known as a "2 Plus 2" degree program).

23 (h) A number of assistant state's attorneys shall be  
24 appointed in each county that chooses to participate, as  
25 provided in this subsection, for the prosecution of  
26 alcohol-related traffic offenses. Each county shall receive

1 monthly a subsidy for payment of the salaries and benefits of  
2 these assistant state's attorneys from State funds  
3 appropriated to the Department of Revenue out of the Personal  
4 Property Tax Replacement Fund or the General Revenue Fund for  
5 that purpose. The amounts of subsidies provided by this  
6 subsection shall be adjusted for inflation each July 1 using  
7 the Consumer Price Index of the Bureau of Labor Statistics of  
8 the U.S. Department of Labor.

9 When a county chooses to participate in the subsidy  
10 program described in this subsection (h), the number of  
11 assistant state's attorneys who are prosecuting  
12 alcohol-related traffic offenses must increase according to  
13 the subsidy provided in this subsection. These appointed  
14 assistant state's attorneys shall be in addition to any other  
15 assistant state's attorneys assigned to those cases on the  
16 effective date of this amendatory Act of the 91st General  
17 Assembly, and may not replace those assistant state's  
18 attorneys. In counties where the state's attorney is the sole  
19 prosecutor, this subsidy shall be used to provide an assistant  
20 state's attorney to prosecute alcohol-related traffic offenses  
21 along with the state's attorney. In counties where the state's  
22 attorney is the sole prosecutor, and in counties where a judge  
23 presides over cases involving a variety of misdemeanors,  
24 including alcohol-related traffic matters, assistant state's  
25 attorneys appointed and subsidized by this subsection (h) may  
26 also prosecute the different misdemeanor cases at the

1 direction of the state's attorney.

2 Assistant state's attorneys shall be appointed under this  
3 subsection in the following number and counties shall receive  
4 the following annual subsidies:

5 (1) In counties with fewer than 30,000 inhabitants,  
6 one at \$35,000.

7 (2) In counties with 30,000 or more but fewer than  
8 100,000 inhabitants, one at \$45,000.

9 (3) In counties with 100,000 or more but fewer than  
10 300,000 inhabitants, 2 at \$45,000 each.

11 (4) In counties, other than Cook County, with 300,000  
12 or more inhabitants, 4 at \$50,000 each.

13 The amounts appropriated under this Section must be  
14 segregated by population classification and disbursed monthly.

15 If in any year the amount appropriated for the purposes of  
16 this subsection (h) is insufficient to pay all of the  
17 subsidies specified in this subsection, the amount  
18 appropriated shall first be prorated by the population  
19 classifications of this subsection (h) and then among the  
20 counties choosing to participate within each of those  
21 classifications. If any of the appropriated moneys for each  
22 population classification remain at the end of a fiscal year,  
23 the remainder of the moneys may be allocated to participating  
24 counties that were not fully funded during the course of the  
25 year. Nothing in this subsection prohibits 2 or more State's  
26 attorneys from combining their subsidies to appoint a joint

1 assistant State's attorney to prosecute alcohol-related  
2 traffic offenses in multiple counties. Nothing in this  
3 subsection prohibits a State's attorney from appointing an  
4 assistant State's attorney by contract or otherwise.

5 (Source: P.A. 96-259, eff. 8-11-09; 97-72, eff. 7-1-11.)

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