



Rep. Daniel Didech

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10400HB2731ham001

LRB104 10049 RTM 34877 a

1 AMENDMENT TO HOUSE BILL 2731

2 AMENDMENT NO. _____. Amend House Bill 2731 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the Equal
5 Justice for Immigrant Crime Victims Pilot Program Act.

6 Section 5. Definition. As used in this Act, "victim of
7 qualifying criminal activity" has the meaning given to that
8 term in the Voices of Immigrant Communities Empowering
9 Survivors (VOICES) Act.

10 Section 10. Lake County State's Attorney immigration
11 representation for crime victims pilot program.

12 (a) The Lake County State's Attorney may represent a
13 person before the United States Citizenship and Immigration
14 Services Office administrative body if:

15 (1) the person is a noncitizen who has never been

1 placed in removal proceedings;

2 (2) the Lake County State's Attorney believes the
3 person is a victim of qualifying criminal activity because
4 of a crime that occurred in Lake County;

5 (3) the person is not barred from the immigration
6 remedies before the administrative body; and

7 (4) the Lake County State's Attorney may represent the
8 person without creating a conflict of interest for the
9 Lake County State's Attorney under the Illinois Rules of
10 Professional Conduct.

11 (b) The Lake County State's Attorney may adopt policies
12 and procedures as the State's Attorney deems necessary to
13 implement, administer, and carry out the purposes of this Act.

14 (c) The Lake County State's Attorney may initiate
15 representation of noncitizen victims of qualifying crimes
16 under this Act on or before December 31, 2031. The expiration
17 of the State's Attorney's authority does not, by itself,
18 terminate or otherwise affect any representation initiated
19 under this Act on or before December 31, 2031.

20 Section 100. The Counties Code is amended by changing
21 Section 3-9005 as follows:

22 (55 ILCS 5/3-9005) (from Ch. 34, par. 3-9005)

23 Sec. 3-9005. Powers and duties of State's Attorney.

24 (a) The duty of each State's Attorney shall be:

1 (1) To commence and prosecute all actions, suits,
2 indictments and prosecutions, civil and criminal, in the
3 circuit court for the county, in which the people of the
4 State or county may be concerned.

5 (2) To prosecute all forfeited bonds and
6 recognizances, and all actions and proceedings for the
7 recovery of debts, revenues, moneys, fines, penalties and
8 forfeitures accruing to the State or the county, or to any
9 school district or road district in the county; also, to
10 prosecute all suits in the county against railroad or
11 transportation companies, which may be prosecuted in the
12 name of the People of the State of Illinois.

13 (3) To commence and prosecute all actions and
14 proceedings brought by any county officer in the county
15 officer's official capacity.

16 (4) To defend all actions and proceedings brought
17 against the county, or against any county or State
18 officer, in the county or State officer's official
19 capacity, within the county.

20 (5) To attend the examination of all persons brought
21 before any judge on habeas corpus, when the prosecution is
22 in the county.

23 (6) To attend before judges and prosecute charges of
24 felony or misdemeanor, for which the offender is required
25 to be recognized to appear before the circuit court, when
26 in the State's Attorney's power so to do.

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

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

18 (9) To pay all moneys received by the State's Attorney
19 in trust, without delay, to the officer who by law is
20 entitled to the custody thereof.

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

24 (11) To perform such other and further duties as may,
25 from time to time, be enjoined on the State's Attorney by
26 law.

1 (12) To appear in all proceedings by collectors of
2 taxes against delinquent taxpayers for judgments to sell
3 real estate, and see that all the necessary preliminary
4 steps have been legally taken to make the judgment legal
5 and binding.

6 (13) To notify, by first-class mail, the State
7 Superintendent of Education, the applicable regional
8 superintendent of schools, and the superintendent of the
9 employing school district or the chief school
10 administrator of the employing nonpublic school, if any,
11 upon the conviction of any individual known to possess a
12 certificate or license issued pursuant to Article 21 or
13 21B, respectively, of the School Code of any offense set
14 forth in Section 21B-80 of the School Code or any other
15 felony conviction, providing the name of the certificate
16 holder, the fact of the conviction, and the name and
17 location of the court where the conviction occurred. The
18 certificate holder must also be contemporaneously sent a
19 copy of the notice.

20 (b) The State's Attorney of each county shall have
21 authority to appoint one or more special investigators to
22 serve subpoenas and summonses, make return of process, and
23 conduct investigations which assist the State's Attorney in
24 the performance of the State's Attorney duties. In counties of
25 the first and second class, the fees for service of subpoenas
26 and summonses are allowed by this Section and shall be

1 consistent with those set forth in Section 4-5001 of this Act,
2 except when increased by county ordinance as provided for in
3 Section 4-5001. In counties of the third class, the fees for
4 service of subpoenas and summonses are allowed by this Section
5 and shall be consistent with those set forth in Section
6 4-12001 of this Act. A special investigator shall not carry
7 firearms except with permission of the State's Attorney and
8 only while carrying appropriate identification indicating the
9 special investigator's employment and in the performance of
10 the special investigator's assigned duties.

11 Subject to the qualifications set forth in this
12 subsection, special investigators shall be peace officers and
13 shall have all the powers possessed by investigators under the
14 State's Attorneys Appellate Prosecutor's Act.

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

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

15 (c) The State's Attorney may request and receive from
16 employers, labor unions, telephone companies, and utility
17 companies location information concerning putative fathers and
18 noncustodial parents for the purpose of establishing a child's
19 paternity or establishing, enforcing, or modifying a child
20 support obligation. In this subsection, "location information"
21 means information about (i) the physical whereabouts of a
22 putative father or noncustodial parent, (ii) the putative
23 father or noncustodial parent's employer, or (iii) the salary,
24 wages, and other compensation paid and the health insurance
25 coverage provided to the putative father or noncustodial
26 parent by the employer of the putative father or noncustodial

1 parent or by a labor union of which the putative father or
2 noncustodial parent is a member.

3 (d) (Blank).

4 (e) The State's Attorney shall have the authority to enter
5 into a written agreement with the Department of Revenue for
6 pursuit of civil liability under subsection (E) of Section
7 17-1 of the Criminal Code of 2012 against persons who have
8 issued to the Department checks or other orders in violation
9 of the provisions of paragraph (1) of subsection (B) of
10 Section 17-1 of the Criminal Code of 2012, with the Department
11 to retain the amount owing upon the dishonored check or order
12 along with the dishonored check fee imposed under the Uniform
13 Penalty and Interest Act, with the balance of damages, fees,
14 and costs collected under subsection (E) of Section 17-1 of
15 the Criminal Code of 2012 or under Section 17-1a of that Code
16 to be retained by the State's Attorney. The agreement shall
17 not affect the allocation of fines and costs imposed in any
18 criminal prosecution.

19 (f) In a county with less than 2,000,000 inhabitants, and
20 only upon receipt of a written request by the superintendent
21 of the county Veterans Assistance Commission for the county in
22 which the State's Attorney is located, the State's Attorney
23 shall have the discretionary authority to render an opinion,
24 without fee or reward, upon any question of law relating to a
25 matter in which the county Veterans Assistance Commission may
26 be concerned. The State's Attorney shall have the discretion

1 to grant or decline such a request.

2 (g) The State's Attorney of Lake County may act as an
3 attorney to a noncitizen victim in accordance with the Equal
4 Justice for Immigrant Crime Victims Pilot Program Act.

5 (Source: P.A. 101-275, eff. 8-9-19; 102-56, eff. 7-9-21.)

6 Section 999. Effective date. This Act takes effect January
7 1, 2027.".