

1 AN ACT concerning State government.

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 State
5 Public Defender Act.

6 Section 5. Legislative declaration. The General Assembly
7 recognizes that zealous legal representation in criminal,
8 juvenile delinquency, and dependency proceedings and related
9 matters is a constitutional right of the people of the State of
10 Illinois and that high-quality legal representation should be
11 available regardless of a person's ability to pay. Therefore,
12 it is the intent of the General Assembly to provide for an
13 effective public defender system throughout the State and to
14 encourage the active and substantial participation of the
15 private bar in the representation of accused people.

16 Section 10. Definitions. As used in this Act, unless the
17 context otherwise requires:

18 "Commission" means the State Public Defender Commission
19 established under Section 40.

20 "Public defender" has the meaning ascribed to it in
21 Section 3-4000.1 of the Counties Code.

22 "State Public Defender" means the individual appointed as

1 State Public Defender under Section 30.

2 Section 15. Office of State Public Defender. The Office of
3 State Public Defender is created as an agency of State
4 government and as an independent agency within the judicial
5 branch of government. The Office of State Public Defender
6 shall be under the supervision and direction of the State
7 Public Defender, and its records are subject to the Freedom of
8 Information Act.

9 Section 20. Oath of office. The State Public Defender
10 shall take the oath of office provided by law before assuming
11 the duties of the Office of State Public Defender.

12 Section 25. Salary. The State Public Defender shall
13 receive an annual salary equivalent to that of the Attorney
14 General.

15 Section 30. Powers and duties of the State Public
16 Defender.

17 (a) The State Public Defender or the State Public
18 Defender's designee shall act as attorney when appointed by a
19 court, without fee, for all otherwise unrepresented persons in
20 any matter in which a county public defender or other attorney
21 may be appointed, and who the court finds are unable to afford
22 counsel. The Office of the State Public Defender shall be the

1 attorney, without fee, when so appointed by the court under
2 the Juvenile Court Act of 1987.

3 (b) The initial State Public Defender shall be nominated
4 by the Illinois Public Defender Association and appointed for
5 a 2-year term by a majority vote of the Supreme Court. Each
6 subsequent State Public Defender shall be appointed for a
7 6-year term under Section 45. The State Public Defender shall
8 adopt rules, instructions, and orders consistent with this
9 Act, further defining the organization of the Office of the
10 State Public Defender and the duties of the Office's
11 employees.

12 (c) Before submitting a budget request to the General
13 Assembly, the State Public Defender shall submit the budget
14 request to the State Public Defender Commission for approval.

15 (d) The State Public Defender may:

16 (1) provide representation in counties located within
17 its regional offices in addition to appointed counsel and
18 county public defenders;

19 (2) provide county public defenders with the
20 assistance of attorneys, expert witnesses, investigators,
21 administrative staff, and social service staff;

22 (3) provide training and other resources to county
23 public defenders;

24 (4) maintain a panel of private attorneys available to
25 serve as counsel on a case-by-case basis;

26 (5) provide funding and such other support designed to

1 improve, increase access to, and advance the cause of
2 indigent defense, including aiding county public defenders
3 in providing effective assistance of counsel to their
4 clients. Such funding and support shall supplement, not
5 supplant, existing county public defender budgets and
6 services. Before receiving any funds provided under this
7 program, a county must certify in writing to the State
8 that it will not reduce county funds provided for public
9 defense;

10 (6) establish programs, alone or in conjunction with
11 law schools, for the purpose of using law students as
12 legal assistants;

13 (7) ensure access to a digital discovery storage
14 management system, case management software, and legal
15 research subscriptions for each public defender office,
16 taking into consideration compatibility with existing
17 county and State-based systems; and

18 (8) cooperate and consult with State and county
19 agencies, professional associations, and other groups
20 concerning the causes of criminal conduct, the
21 rehabilitation and support of persons charged with and
22 convicted of crime, the administration of criminal
23 justice, and the administration of juvenile delinquency
24 and dependency matters, including collaboration with other
25 court stakeholders to advocate for adequate funding of
26 court systems.

1 (e) The State Public Defender shall establish a
2 recruitment and retention plan to ensure a skilled and diverse
3 workforce is available to serve clients in every part of the
4 State.

5 (f) The State Public Defender shall establish and
6 supervise training programs for the State Public Defender's
7 employees.

8 (g) The State Public Defender shall adopt rules,
9 instructions, and orders, consistent with this Act to further
10 define the organization of the Office of State Public Defender
11 and the duties of employees of the Office of the State Public
12 Defender.

13 (h) The State Public Defender shall maintain a website to
14 provide the public with information about the Office of State
15 Public Defender and its organization, information on how to
16 join the Client Community Advisory Board, information for
17 people seeking employment in public defense, supplementary
18 statistics and reports of public interest, reports to the
19 Commission and State agencies, and agendas, minutes, and
20 documents for Commission meetings.

21 (i) The requirement for reporting to the General Assembly
22 shall be satisfied by filing copies of the report as required
23 by Section 3.1 of the General Assembly Organization Act and
24 filing such additional copies with the State Government Report
25 Distribution Center for the General Assembly as is required
26 under paragraph (t) of Section 7 of the State Library Act.

1 (j) All required reports shall be simultaneously
2 transmitted to the Supreme Court and to the Governor.

3 Section 35. Office of State Public Defender organization.

4 (a) During the initial State Public Defender's 2-year
5 term, the State Public Defender shall establish a Public
6 Defender Advisory Board, composed of attorneys providing
7 public defense services in this State, including one or more
8 public defenders from each Appellate Court District, which
9 shall meet regularly to advise the Office of the State Public
10 Defender regarding legal practice issues and resource needs
11 around the State and establishing workload, staffing, and
12 salary standards for the provision of public defense
13 throughout the State.

14 (b) During the initial State Public Defender's term, the
15 State Public Defender shall collaborate with the Public
16 Defender Advisory Board to determine which judicial circuits
17 or geographic regions require State public defenders, how many
18 public defenders and staff are required to supplement existing
19 public defenders, staff, and appointed counsel in order for
20 the State of Illinois to comply with its legal obligations,
21 and what process should be used for guiding and tracking
22 recommendations to judges regarding case assignments to State
23 and county public defenders. Within the first year of the
24 initial State Public Defender's term, the State Public
25 Defender shall initiate a survey to determine the number of

1 employees and contractors providing public defense services in
2 the State and the types and numbers of matters they are
3 handling.

4 (c) During the initial State Public Defender's term, the
5 State Public Defender shall establish a Client Community
6 Advisory Board, composed of former clients and impacted
7 community members, which shall meet regularly to advise the
8 Office of the State Public Defender regarding client legal
9 issues and needs around the State.

10 (d) During the initial State Public Defender's term, the
11 State Public Defender shall collaborate with the Public
12 Defender Advisory Board to devise an application process for
13 whenever there is an open Chief County Public Defender
14 position, including standards for job descriptions and
15 application requirements, and a process for promotion of
16 vacancies designed to recruit diverse, qualified candidates.

17 During the initial State Public Defender's term, the State
18 Public Defender shall collaborate with the Public Defender
19 Advisory Board to devise standards for retention and
20 reappointment of Chief County Public Defenders as well as a
21 process for investigations and hearings for removal of Chief
22 County Public Defenders, including immediate suspension when
23 warranted. In the event a Chief County Public Defender must be
24 immediately removed or becomes unable to serve in their
25 position, the State Public Defender is authorized to appoint
26 an Acting Chief County Public Defender.

1 (e) During the initial State Public Defender's term, the
2 State Public Defender shall establish a working group to
3 assess the availability of public defender representation and
4 adequacy of resources in proceedings under Article II of the
5 Juvenile Court Act of 1987. The working group members shall
6 include current public defenders, non-public defenders that
7 provide legal representation to parents or respondents, or
8 both, a representative of the Department of Children and
9 Family Services with expertise in funding under Title IV-E of
10 the Social Security Act (42 U.S.C. 670 through 679c), and
11 nonprofit advocates with expertise in parent legal
12 representation. The working group shall meet regularly to
13 advise the Office of the State Public Defender regarding
14 client legal issues and needs around the State. The working
15 group shall deliver its first report and recommendations no
16 later than 12 months after the appointment of the initial
17 State Public Defender.

18 (f) During the initial State Public Defender's term, the
19 State Public Defender shall establish a procedure for
20 distributions from the Public Defender Fund described under
21 Section 3-4014 of the Counties Code.

22 (1) The purpose of the Public Defender Fund is to
23 supplement, not supplant, county public defense budgets
24 and to aid county public defenders in providing effective
25 assistance of counsel to their clients.

26 (2) State support, funding, and services provided to

1 any county public defender office shall neither affect nor
2 be offset by any reduction in existing or projected public
3 defender office budgets from any other source.

4 (3) Appropriate uses of funds include, but are not
5 limited to:

6 (A) hiring investigators, social workers, or
7 mental health clinicians;

8 (B) increasing compensation for attorney and
9 non-attorney employees;

10 (C) funding expert witnesses, trial technology,
11 investigation expenses, and any other case-related
12 needs; and

13 (D) training attorney and non-attorney employees.

14 (4) Requests by counties for financial support from
15 the Public Defender Fund shall originate solely from the
16 chief public defender of any jurisdiction and shall be
17 submitted directly to the Office of the State Public
18 Defender. Financial support shall be paid to the county in
19 which the requesting chief public defender practices, and
20 the county treasurer shall cause that entire amount to be
21 placed in the operating budget of the public defender for
22 immediate use.

23 (5) County public defender offices shall provide the
24 Office of State Public Defender with a report including a
25 detailed accounting of the provided funds and an
26 evaluation of the impact of the provided funds within a

1 reasonable time frame established by the Office of State
2 Public Defender.

3 (g) Following the planning phase described in subsections
4 (a) through (f), the State Public Defender may establish
5 regional offices. The State Public Defender shall appoint a
6 deputy defender for each regional office who shall serve as
7 the administrator of that office. Each deputy defender must be
8 an attorney licensed to practice law in this State. Deputy
9 public defenders shall serve at the pleasure of the State
10 Public Defender.

11 (h) The Office of the State Public Defender shall hire and
12 train new State-employed personnel to carry out the Office's
13 duties under this Act, including, but not limited to,
14 attorneys licensed to practice law in this State, and
15 administrative, investigative, and social services employees.
16 Nothing in this Act shall be construed to invalidate,
17 diminish, or otherwise interfere with any collective
18 bargaining agreement or representation rights under the
19 Illinois Public Labor Relations Act, if applicable.

20 (i) Deputy defenders shall employ, with the approval of
21 the State Public Defender, assistant public defenders,
22 investigators, social services staff, administrative staff,
23 and other employees under their direct supervision, as
24 described in subsection (h).

25 (j) Attorneys employed by the Office of the State Public
26 Defender shall devote full time to their duties, except as

1 provided in Section 50, and may not engage in the private
2 practice of law.

3 Section 40. State Public Defender Commission.

4 (a) The State Public Defender Commission is created as an
5 independent body within the judicial branch. The Commission
6 shall be composed of 11 members, appointed as follows:

7 (1) two members appointed by the Governor from a panel
8 of 5 persons nominated by the Illinois Public Defender
9 Association;

10 (2) two members appointed by the Supreme Court from a
11 panel of 5 persons nominated by the Illinois Council of
12 Chief Defenders;

13 (3) one member appointed by the Supreme Court from a
14 panel of 3 criminal defense lawyers nominated by a
15 voluntary association of lawyers which aims to assist
16 Illinois lawyers in the practice of law and to promote the
17 advancement of justice;

18 (4) one member appointed by the Speaker of the House
19 of Representatives;

20 (5) one member appointed by the Minority Leader of the
21 House of Representatives;

22 (6) one member appointed by the President of the
23 Senate;

24 (7) one member appointed by the Minority Leader of the
25 Senate;

1 (8) one member appointed by the Governor representing
2 community-based organizations that support the success of
3 people impacted by the criminal or juvenile delinquency
4 and dependency legal systems; and

5 (9) one member appointed by the Governor representing
6 organizations advocating for civil rights or criminal or
7 juvenile delinquency or dependency legal system reform.

8 All appointments shall be filed with the Secretary of
9 State by the appointing authority. The terms of the original
10 members shall be as follows: 5 members shall be appointed to
11 2-year terms and until a successor is appointed and qualified
12 and 6 members shall be appointed to 4-year terms and until a
13 successor is appointed and qualified. Thereafter, all members
14 shall be appointed to 4-year terms and until a successor is
15 appointed and qualified. The chairperson, at the first meeting
16 of the Commission, shall conduct a drawing by lot to determine
17 whether each original member shall be appointed to a 2-year or
18 4-year term.

19 (b) Persons appointed to the Commission shall have
20 significant experience in the defense of indigent clients in
21 criminal or juvenile proceedings or shall have demonstrated a
22 strong commitment to quality representation in indigent
23 defense matters. No person shall be appointed to the
24 Commission who, within the 2 years prior to appointment, has
25 received compensation to be a judge, elected official,
26 judicial officer, prosecutor, or law enforcement official, or

1 who has served as an employee of such a person.

2 (c) No member may serve more than 2 full 4-year terms.
3 Vacancies in the membership of the Commission are to be filled
4 in the same manner as original appointments. A vacancy shall
5 be declared upon any member missing 3 or more meetings in a row
6 unless the chairperson finds there was good cause for the
7 absences. Appointments to fill vacancies occurring before the
8 expiration of a term are for the remainder of the unexpired
9 term.

10 (d) Members of the Commission shall elect from the
11 membership of the Commission a chairperson, vice-chairperson,
12 and secretary. No officer may serve more than one full 4-year
13 term as an officer. The Commission shall meet quarterly. The
14 chairperson shall determine the time and place of meetings.
15 Additional meetings may be held upon petition to the
16 chairperson by 7 or more members of the Commission or upon the
17 call of the chairperson after 7 days written notice to the
18 members.

19 (e) The Commission shall approve the Office of State
20 Public Defender distribution of the Public Defender Fund under
21 Section 3-4014 of the Counties Code.

22 (f) Members of the Commission may receive a stipend upon
23 demonstrated need, based on a decision of the chairperson.
24 Members of the Commission shall receive reimbursement for
25 actual expenses incurred in the performance of the member's
26 duties.

1 (g) Six members of the Commission constitute a quorum.

2 (h) Records and proceedings of the Commission shall be
3 subject to the Open Meetings Act and Freedom of Information
4 Act.

5 Section 45. Powers and duties of the State Public Defender
6 Commission.

7 (a) After the term of the initial State Public Defender
8 concludes, the Commission, by a vote of a majority of the
9 members of the Commission, shall appoint a State Public
10 Defender for a 6-year term and until the State Public
11 Defender's successor is appointed and qualified. The State
12 Public Defender must be an attorney licensed to practice law
13 in this State and must have criminal defense experience. The
14 State Public Defender shall devote full time to the duties of
15 the Office of State Public Defender and may not engage in the
16 private practice of law.

17 (b) The State Public Defender shall draft, and the
18 Commission shall approve and publish, standards for
19 trial-level public defense to guarantee the right of indigent
20 defendants to the assistance of counsel as provided under the
21 Sixth Amendment of the United States Constitution. The
22 standards shall include, but are not limited to:

23 (1) maximum workloads for felony, misdemeanor,
24 traffic, juvenile, and post-conviction cases to be handled
25 by attorneys who provide public defense services;

1 (2) minimum staffing levels for non-attorney staff,
2 such as investigators, mitigators, social workers, and
3 administrative support staff;

4 (3) supervision and experience standards relative to
5 case complexity;

6 (4) requirements to ensure that attorneys providing
7 public defense services are independent, free of conflicts
8 of interest, and free of economic disincentives or
9 incentives that impair defense counsel's ability to
10 provide effective representation;

11 (5) sufficient private office space, located at or
12 near the courthouse where the public defender practices,
13 and videoconferencing technology, to allow attorney-client
14 confidentiality to be safeguarded for meetings between
15 public defenders and their clients;

16 (6) adequate resources for expert witnesses, trial
17 technology, investigation expenses, and any other
18 case-related needs;

19 (7) continuous representation by one attorney
20 throughout the pendency of the case to the extent
21 possible; and

22 (8) ongoing, systematic evaluation of each public
23 defense agency.

24 (c) The Commission shall approve or modify an operational
25 budget and the Public Defender Fund expenditures submitted to
26 the Commission by the State Public Defender.

1 (d) The Commission may remove the State Public Defender
2 only for cause and after a hearing. The Commission may hold
3 such a hearing on the Commission's own motion and may adopt
4 rules establishing other procedures for the hearing.

5 (e) The State Public Defender shall submit reports to the
6 Commission on the operation of the Office of State Public
7 Defender at each quarterly meeting. The State Public Defender
8 shall submit a comprehensive report to the Commission at the
9 end of each fiscal year. The Commission may require the State
10 Public Defender to submit additional or amended reports on any
11 aspect of the operation of the Office of State Public
12 Defender.

13 Section 50. Shared position. For purposes of this Section,
14 "shared position" means a position in which individuals share
15 the salary and employee benefits. For purposes of seniority,
16 each individual shall receive credit at a rate equal to the
17 percentage of time employed in a shared position. Attorneys
18 sharing a position may not engage in the private practice of
19 law.

20 Section 90. The Freedom of Information Act is amended by
21 changing Section 7 as follows:

22 (5 ILCS 140/7)

23 Sec. 7. Exemptions.

1 (1) When a request is made to inspect or copy a public
2 record that contains information that is exempt from
3 disclosure under this Section, but also contains information
4 that is not exempt from disclosure, the public body may elect
5 to redact the information that is exempt. The public body
6 shall make the remaining information available for inspection
7 and copying. Subject to this requirement, the following shall
8 be exempt from inspection and copying:

9 (a) Records created or compiled by a State public
10 defender agency or commission subject to the State Public
11 Defender Act that contain: individual client identity;
12 individual case file information; individual investigation
13 records and other records that are otherwise subject to
14 attorney-client privilege; records that would not be
15 discoverable in litigation; records under Section 2.15;
16 training materials; records related to attorney
17 consultation and representation strategy; or any of the
18 above concerning clients of county public defenders or
19 other defender agencies and firms. This exclusion does not
20 apply to deidentified, aggregated, administrative records,
21 such as general case processing and workload information.

22 (a-5) ~~(a)~~ Information specifically prohibited from
23 disclosure by federal or State law or rules and
24 regulations implementing federal or State law.

25 (b) Private information, unless disclosure is required
26 by another provision of this Act, a State or federal law,

1 or a court order.

2 (b-5) Files, documents, and other data or databases
3 maintained by one or more law enforcement agencies and
4 specifically designed to provide information to one or
5 more law enforcement agencies regarding the physical or
6 mental status of one or more individual subjects.

7 (c) Personal information contained within public
8 records, the disclosure of which would constitute a
9 clearly unwarranted invasion of personal privacy, unless
10 the disclosure is consented to in writing by the
11 individual subjects of the information. "Unwarranted
12 invasion of personal privacy" means the disclosure of
13 information that is highly personal or objectionable to a
14 reasonable person and in which the subject's right to
15 privacy outweighs any legitimate public interest in
16 obtaining the information. The disclosure of information
17 that bears on the public duties of public employees and
18 officials shall not be considered an invasion of personal
19 privacy.

20 (d) Records in the possession of any public body
21 created in the course of administrative enforcement
22 proceedings, and any law enforcement or correctional
23 agency for law enforcement purposes, but only to the
24 extent that disclosure would:

25 (i) interfere with pending or actually and
26 reasonably contemplated law enforcement proceedings

1 conducted by any law enforcement or correctional
2 agency that is the recipient of the request;

3 (ii) interfere with active administrative
4 enforcement proceedings conducted by the public body
5 that is the recipient of the request;

6 (iii) create a substantial likelihood that a
7 person will be deprived of a fair trial or an impartial
8 hearing;

9 (iv) unavoidably disclose the identity of a
10 confidential source, confidential information
11 furnished only by the confidential source, or persons
12 who file complaints with or provide information to
13 administrative, investigative, law enforcement, or
14 penal agencies; except that the identities of
15 witnesses to traffic crashes, traffic crash reports,
16 and rescue reports shall be provided by agencies of
17 local government, except when disclosure would
18 interfere with an active criminal investigation
19 conducted by the agency that is the recipient of the
20 request;

21 (v) disclose unique or specialized investigative
22 techniques other than those generally used and known
23 or disclose internal documents of correctional
24 agencies related to detection, observation, or
25 investigation of incidents of crime or misconduct, and
26 disclosure would result in demonstrable harm to the

1 agency or public body that is the recipient of the
2 request;

3 (vi) endanger the life or physical safety of law
4 enforcement personnel or any other person; or

5 (vii) obstruct an ongoing criminal investigation
6 by the agency that is the recipient of the request.

7 (d-5) A law enforcement record created for law
8 enforcement purposes and contained in a shared electronic
9 record management system if the law enforcement agency
10 that is the recipient of the request did not create the
11 record, did not participate in or have a role in any of the
12 events which are the subject of the record, and only has
13 access to the record through the shared electronic record
14 management system.

15 (d-6) Records contained in the Officer Professional
16 Conduct Database under Section 9.2 of the Illinois Police
17 Training Act, except to the extent authorized under that
18 Section. This includes the documents supplied to the
19 Illinois Law Enforcement Training Standards Board from the
20 Illinois State Police and Illinois State Police Merit
21 Board.

22 (d-7) Information gathered or records created from the
23 use of automatic license plate readers in connection with
24 Section 2-130 of the Illinois Vehicle Code.

25 (e) Records that relate to or affect the security of
26 correctional institutions and detention facilities.

1 (e-5) Records requested by persons committed to the
2 Department of Corrections, Department of Human Services
3 Division of Mental Health, or a county jail if those
4 materials are available in the library of the correctional
5 institution or facility or jail where the inmate is
6 confined.

7 (e-6) Records requested by persons committed to the
8 Department of Corrections, Department of Human Services
9 Division of Mental Health, or a county jail if those
10 materials include records from staff members' personnel
11 files, staff rosters, or other staffing assignment
12 information.

13 (e-7) Records requested by persons committed to the
14 Department of Corrections or Department of Human Services
15 Division of Mental Health if those materials are available
16 through an administrative request to the Department of
17 Corrections or Department of Human Services Division of
18 Mental Health.

19 (e-8) Records requested by a person committed to the
20 Department of Corrections, Department of Human Services
21 Division of Mental Health, or a county jail, the
22 disclosure of which would result in the risk of harm to any
23 person or the risk of an escape from a jail or correctional
24 institution or facility.

25 (e-9) Records requested by a person in a county jail
26 or committed to the Department of Corrections or

1 Department of Human Services Division of Mental Health,
2 containing personal information pertaining to the person's
3 victim or the victim's family, including, but not limited
4 to, a victim's home address, home telephone number, work
5 or school address, work telephone number, social security
6 number, or any other identifying information, except as
7 may be relevant to a requester's current or potential case
8 or claim.

9 (e-10) Law enforcement records of other persons
10 requested by a person committed to the Department of
11 Corrections, Department of Human Services Division of
12 Mental Health, or a county jail, including, but not
13 limited to, arrest and booking records, mug shots, and
14 crime scene photographs, except as these records may be
15 relevant to the requester's current or potential case or
16 claim.

17 (f) Preliminary drafts, notes, recommendations,
18 memoranda, and other records in which opinions are
19 expressed, or policies or actions are formulated, except
20 that a specific record or relevant portion of a record
21 shall not be exempt when the record is publicly cited and
22 identified by the head of the public body. The exemption
23 provided in this paragraph (f) extends to all those
24 records of officers and agencies of the General Assembly
25 that pertain to the preparation of legislative documents.

26 (g) Trade secrets and commercial or financial

1 information obtained from a person or business where the
2 trade secrets or commercial or financial information are
3 furnished under a claim that they are proprietary,
4 privileged, or confidential, and that disclosure of the
5 trade secrets or commercial or financial information would
6 cause competitive harm to the person or business, and only
7 insofar as the claim directly applies to the records
8 requested.

9 The information included under this exemption includes
10 all trade secrets and commercial or financial information
11 obtained by a public body, including a public pension
12 fund, from a private equity fund or a privately held
13 company within the investment portfolio of a private
14 equity fund as a result of either investing or evaluating
15 a potential investment of public funds in a private equity
16 fund. The exemption contained in this item does not apply
17 to the aggregate financial performance information of a
18 private equity fund, nor to the identity of the fund's
19 managers or general partners. The exemption contained in
20 this item does not apply to the identity of a privately
21 held company within the investment portfolio of a private
22 equity fund, unless the disclosure of the identity of a
23 privately held company may cause competitive harm.

24 Nothing contained in this paragraph (g) shall be
25 construed to prevent a person or business from consenting
26 to disclosure.

1 (h) Proposals and bids for any contract, grant, or
2 agreement, including information which if it were
3 disclosed would frustrate procurement or give an advantage
4 to any person proposing to enter into a contractor
5 agreement with the body, until an award or final selection
6 is made. Information prepared by or for the body in
7 preparation of a bid solicitation shall be exempt until an
8 award or final selection is made.

9 (i) Valuable formulae, computer geographic systems,
10 designs, drawings, and research data obtained or produced
11 by any public body when disclosure could reasonably be
12 expected to produce private gain or public loss. The
13 exemption for "computer geographic systems" provided in
14 this paragraph (i) does not extend to requests made by
15 news media as defined in Section 2 of this Act when the
16 requested information is not otherwise exempt and the only
17 purpose of the request is to access and disseminate
18 information regarding the health, safety, welfare, or
19 legal rights of the general public.

20 (j) The following information pertaining to
21 educational matters:

22 (i) test questions, scoring keys, and other
23 examination data used to administer an academic
24 examination;

25 (ii) information received by a primary or
26 secondary school, college, or university under its

1 procedures for the evaluation of faculty members by
2 their academic peers;

3 (iii) information concerning a school or
4 university's adjudication of student disciplinary
5 cases, but only to the extent that disclosure would
6 unavoidably reveal the identity of the student; and

7 (iv) course materials or research materials used
8 by faculty members.

9 (k) Architects' plans, engineers' technical
10 submissions, and other construction related technical
11 documents for projects not constructed or developed in
12 whole or in part with public funds and the same for
13 projects constructed or developed with public funds,
14 including, but not limited to, power generating and
15 distribution stations and other transmission and
16 distribution facilities, water treatment facilities,
17 airport facilities, sport stadiums, convention centers,
18 and all government owned, operated, or occupied buildings,
19 but only to the extent that disclosure would compromise
20 security.

21 (l) Minutes of meetings of public bodies closed to the
22 public as provided in the Open Meetings Act until the
23 public body makes the minutes available to the public
24 under Section 2.06 of the Open Meetings Act.

25 (m) Communications between a public body and an
26 attorney or auditor representing the public body that

1 would not be subject to discovery in litigation, and
2 materials prepared or compiled by or for a public body in
3 anticipation of a criminal, civil, or administrative
4 proceeding upon the request of an attorney advising the
5 public body, and materials prepared or compiled with
6 respect to internal audits of public bodies.

7 (n) Records relating to a public body's adjudication
8 of employee grievances or disciplinary cases; however,
9 this exemption shall not extend to the final outcome of
10 cases in which discipline is imposed.

11 (o) Administrative or technical information associated
12 with automated data processing operations, including, but
13 not limited to, software, operating protocols, computer
14 program abstracts, file layouts, source listings, object
15 modules, load modules, user guides, documentation
16 pertaining to all logical and physical design of
17 computerized systems, employee manuals, and any other
18 information that, if disclosed, would jeopardize the
19 security of the system or its data or the security of
20 materials exempt under this Section.

21 (p) Records relating to collective negotiating matters
22 between public bodies and their employees or
23 representatives, except that any final contract or
24 agreement shall be subject to inspection and copying.

25 (q) Test questions, scoring keys, and other
26 examination data used to determine the qualifications of

1 an applicant for a license or employment.

2 (r) The records, documents, and information relating
3 to real estate purchase negotiations until those
4 negotiations have been completed or otherwise terminated.
5 With regard to a parcel involved in a pending or actually
6 and reasonably contemplated eminent domain proceeding
7 under the Eminent Domain Act, records, documents, and
8 information relating to that parcel shall be exempt except
9 as may be allowed under discovery rules adopted by the
10 Illinois Supreme Court. The records, documents, and
11 information relating to a real estate sale shall be exempt
12 until a sale is consummated.

13 (s) Any and all proprietary information and records
14 related to the operation of an intergovernmental risk
15 management association or self-insurance pool or jointly
16 self-administered health and accident cooperative or pool.
17 Insurance or self-insurance (including any
18 intergovernmental risk management association or
19 self-insurance pool) claims, loss or risk management
20 information, records, data, advice, or communications.

21 (t) Information contained in or related to
22 examination, operating, or condition reports prepared by,
23 on behalf of, or for the use of a public body responsible
24 for the regulation or supervision of financial
25 institutions, insurance companies, or pharmacy benefit
26 managers, unless disclosure is otherwise required by State

1 law.

2 (u) Information that would disclose or might lead to
3 the disclosure of secret or confidential information,
4 codes, algorithms, programs, or private keys intended to
5 be used to create electronic signatures under the Uniform
6 Electronic Transactions Act.

7 (v) Vulnerability assessments, security measures, and
8 response policies or plans that are designed to identify,
9 prevent, or respond to potential attacks upon a
10 community's population or systems, facilities, or
11 installations, but only to the extent that disclosure
12 could reasonably be expected to expose the vulnerability
13 or jeopardize the effectiveness of the measures, policies,
14 or plans, or the safety of the personnel who implement
15 them or the public. Information exempt under this item may
16 include such things as details pertaining to the
17 mobilization or deployment of personnel or equipment, to
18 the operation of communication systems or protocols, to
19 cybersecurity vulnerabilities, or to tactical operations.

20 (w) (Blank).

21 (x) Maps and other records regarding the location or
22 security of generation, transmission, distribution,
23 storage, gathering, treatment, or switching facilities
24 owned by a utility, by a power generator, or by the
25 Illinois Power Agency.

26 (y) Information contained in or related to proposals,

1 bids, or negotiations related to electric power
2 procurement under Section 1-75 of the Illinois Power
3 Agency Act and Section 16-111.5 of the Public Utilities
4 Act that is determined to be confidential and proprietary
5 by the Illinois Power Agency or by the Illinois Commerce
6 Commission.

7 (z) Information about students exempted from
8 disclosure under Section 10-20.38 or 34-18.29 of the
9 School Code, and information about undergraduate students
10 enrolled at an institution of higher education exempted
11 from disclosure under Section 25 of the Illinois Credit
12 Card Marketing Act of 2009.

13 (aa) Information the disclosure of which is exempted
14 under the Viatical Settlements Act of 2009.

15 (bb) Records and information provided to a mortality
16 review team and records maintained by a mortality review
17 team appointed under the Department of Juvenile Justice
18 Mortality Review Team Act.

19 (cc) Information regarding interments, entombments, or
20 inurnments of human remains that are submitted to the
21 Cemetery Oversight Database under the Cemetery Care Act or
22 the Cemetery Oversight Act, whichever is applicable.

23 (dd) Correspondence and records (i) that may not be
24 disclosed under Section 11-9 of the Illinois Public Aid
25 Code or (ii) that pertain to appeals under Section 11-8 of
26 the Illinois Public Aid Code.

1 (ee) The names, addresses, or other personal
2 information of persons who are minors and are also
3 participants and registrants in programs of park
4 districts, forest preserve districts, conservation
5 districts, recreation agencies, and special recreation
6 associations.

7 (ff) The names, addresses, or other personal
8 information of participants and registrants in programs of
9 park districts, forest preserve districts, conservation
10 districts, recreation agencies, and special recreation
11 associations where such programs are targeted primarily to
12 minors.

13 (gg) Confidential information described in Section
14 1-100 of the Illinois Independent Tax Tribunal Act of
15 2012.

16 (hh) The report submitted to the State Board of
17 Education by the School Security and Standards Task Force
18 under item (8) of subsection (d) of Section 2-3.160 of the
19 School Code and any information contained in that report.

20 (ii) Records requested by persons committed to or
21 detained by the Department of Human Services under the
22 Sexually Violent Persons Commitment Act or committed to
23 the Department of Corrections under the Sexually Dangerous
24 Persons Act if those materials: (i) are available in the
25 library of the facility where the individual is confined;
26 (ii) include records from staff members' personnel files,

1 staff rosters, or other staffing assignment information;
2 or (iii) are available through an administrative request
3 to the Department of Human Services or the Department of
4 Corrections.

5 (jj) Confidential information described in Section
6 5-535 of the Civil Administrative Code of Illinois.

7 (kk) The public body's credit card numbers, debit card
8 numbers, bank account numbers, Federal Employer
9 Identification Number, security code numbers, passwords,
10 and similar account information, the disclosure of which
11 could result in identity theft or impression or defrauding
12 of a governmental entity or a person.

13 (ll) Records concerning the work of the threat
14 assessment team of a school district, including, but not
15 limited to, any threat assessment procedure under the
16 School Safety Drill Act and any information contained in
17 the procedure.

18 (mm) Information prohibited from being disclosed under
19 subsections (a) and (b) of Section 15 of the Student
20 Confidential Reporting Act.

21 (nn) Proprietary information submitted to the
22 Environmental Protection Agency under the Drug Take-Back
23 Act.

24 (oo) Records described in subsection (f) of Section
25 3-5-1 of the Unified Code of Corrections.

26 (pp) Any and all information regarding burials,

1 interments, or entombments of human remains as required to
2 be reported to the Department of Natural Resources
3 pursuant either to the Archaeological and Paleontological
4 Resources Protection Act or the Human Remains Protection
5 Act.

6 (qq) Reports described in subsection (e) of Section
7 16-15 of the Abortion Care Clinical Training Program Act.

8 (rr) Information obtained by a certified local health
9 department under the Access to Public Health Data Act.

10 (ss) For a request directed to a public body that is
11 also a HIPAA-covered entity, all information that is
12 protected health information, including demographic
13 information, that may be contained within or extracted
14 from any record held by the public body in compliance with
15 State and federal medical privacy laws and regulations,
16 including, but not limited to, the Health Insurance
17 Portability and Accountability Act and its regulations, 45
18 CFR Parts 160 and 164. As used in this paragraph,
19 "HIPAA-covered entity" has the meaning given to the term
20 "covered entity" in 45 CFR 160.103 and "protected health
21 information" has the meaning given to that term in 45 CFR
22 160.103.

23 (tt) Proposals or bids submitted by engineering
24 consultants in response to requests for proposal or other
25 competitive bidding requests by the Department of
26 Transportation or the Illinois Toll Highway Authority.

1 (1.5) Any information exempt from disclosure under the
2 Judicial Privacy Act shall be redacted from public records
3 prior to disclosure under this Act.

4 (2) A public record that is not in the possession of a
5 public body but is in the possession of a party with whom the
6 agency has contracted to perform a governmental function on
7 behalf of the public body, and that directly relates to the
8 governmental function and is not otherwise exempt under this
9 Act, shall be considered a public record of the public body,
10 for purposes of this Act.

11 (3) This Section does not authorize withholding of
12 information or limit the availability of records to the
13 public, except as stated in this Section or otherwise provided
14 in this Act.

15 (Source: P.A. 102-38, eff. 6-25-21; 102-558, eff. 8-20-21;
16 102-694, eff. 1-7-22; 102-752, eff. 5-6-22; 102-753, eff.
17 1-1-23; 102-776, eff. 1-1-23; 102-791, eff. 5-13-22; 102-982,
18 eff. 7-1-23; 102-1055, eff. 6-10-22; 103-154, eff. 6-30-23;
19 103-423, eff. 1-1-24; 103-446, eff. 8-4-23; 103-462, eff.
20 8-4-23; 103-540, eff. 1-1-24; 103-554, eff. 1-1-24; 103-605,
21 eff. 7-1-24; 103-865, eff. 1-1-25.)

22 Section 95. The Illinois Criminal Justice Information Act
23 is amended by adding Section 16 as follows:

24 (20 ILCS 3930/16 new)

1 Sec. 16. Public defense performance metrics, data
2 collection, analysis and public reporting.

3 (a) The State Public Defender Commission shall identify
4 and implement a system of performance metrics to assess the
5 provision of indigent defense services in this State relative
6 to the standards established by the Commission under Section
7 45 of the State Public Defender Act and national standards and
8 benchmarks to ensure the State of Illinois complies with its
9 obligations under the Sixth Amendment of the United States
10 Constitution.

11 (b) The Commission has the authority and the duty to:

12 (1) establish procedures for the mandatory collection
13 of data concerning the operation of the Office of the
14 State Public Defender, the Commission, each indigent
15 criminal defense system, and the overall operation of
16 indigent criminal defense services in the State, including
17 provision of resources to facilitate integration of State
18 data collection with existing county and State-based data
19 reporting and case management systems and requirements;
20 and

21 (2) collect and receive from any department, division,
22 board, bureau, commission or other agency of the State, or
23 any political subdivision of the State or any public
24 authority, including but not limited to agencies of the
25 judicial branch, information and data including but not
26 limited to:

1 (A) the types of and numbers of matters in which
2 public defense services have been provided on an
3 annual basis in categories to be determined by the
4 Commission and in alignment with existing circuit
5 court data guidelines established by the
6 Administrative Office of the Illinois Courts;

7 (B) for each public defender agency and State's
8 Attorney's office:

9 (i) the number of administrators, attorneys,
10 and other staff who work at each agency, including
11 whether they are full-time or part-time and
12 whether they are employed or contracted; and the
13 salaries and other compensation paid to individual
14 administrators, attorneys and staff providing
15 public defender services;

16 (ii) the funds and in-kind resources spent on
17 an annual basis for expert witnesses,
18 investigators, and other litigation costs;

19 (iii) the funds and in-kind resources spent on
20 an annual basis for office space, technology,
21 equipment and other fixed expenses;

22 (iv) the total numbers of matters, by
23 category, opened, disposed, and pending within
24 each annual period for each attorney and for the
25 agency in total;

26 (C) the criteria and procedures used to determine

1 whether a person is eligible to receive public
2 defender services, the number of persons considered
3 for and applicants denied such services, the reasons
4 for the denials, and the results of any review of such
5 denials; and

6 (D) the standards and criteria used by each county
7 to determine whether individual attorneys are
8 qualified to provide indigent legal services, and how
9 those standards and criteria compare to those set by
10 the Statewide Public Defense Commission.

11 (c) The Commission shall analyze and evaluate the
12 collected data, and undertake any necessary research and
13 studies, in order to consider and recommend measures to
14 enhance the provision of indigent legal services relative to
15 the standards established by the Commission under the State
16 Public Defender Act and national standards and benchmarks.

17 (d) The Commission shall provide a written report on the
18 performance metrics to the Governor, General Assembly, and
19 Illinois Supreme Court, no later than December 15 of each year
20 commencing in the calendar year following the effective date
21 of this amendatory Act of the 104th General Assembly. The
22 Commission shall publish the report on its website.

23 Section 100. The Counties Code is amended by changing
24 Sections 3-4000, 3-4000.1, 3-4001, 3-4002, 3-4003, 3-4004,
25 3-4004.1, 3-4004.2, 3-4005, 3-4007, 3-4008.1, 3-4009,

3-4010.1, and 3-4014 as follows:

(55 ILCS 5/3-4000) (from Ch. 34, par. 3-4000)

Sec. 3-4000. Legislative declaration. The General Assembly recognizes that quality legal representation in criminal, juvenile court proceedings and related matters is a ~~proceedings is a fundamental~~ fundamental constitutional right of the people of the State of Illinois and that there should be no distinction in the availability of quality legal representation based upon a person's ability ~~inability~~ to pay. Therefore, it is the intent of the General Assembly to provide for an effective county public defense system ~~defender systems~~ throughout the State and encourage the active and substantial participation of the private bar in the representation of accused people ~~indigent defendants~~.

(Source: P.A. 87-111.)

(55 ILCS 5/3-4000.1) (from Ch. 34, par. 3-4000.1)

Sec. 3-4000.1. Definitions. In this Division, except when a particular context clearly requires a different meaning, the following definitions apply:

"Board" means the county board of commissioners.

"President" means the president, speaker, or chair of the county board.

"Chief County Public Defender" means a county chief public defender appointed to the office of public defender by one or

1 more counties under Section 3-4001, 3-4002, or 3-4003.

2 "State Public Defender" has the meaning ascribed to it in
3 Section 10 of the State Public Defender Act.

4 (Source: P.A. 87-111.)

5 (55 ILCS 5/3-4001) (from Ch. 34, par. 3-4001)

6 Sec. 3-4001. Chief County Public Defender ~~defender~~ in
7 counties over 35,000. In each county of this State containing
8 35,000 or more inhabitants there is created the Office ~~office~~
9 of Public Defender and the person to be appointed to such
10 office shall be known as the Chief County Public Defender. No
11 person shall be eligible to ~~or~~ hold such office unless he is
12 duly licensed as an attorney ~~and counsellor-at-law~~ in this
13 State.

14 (Source: P.A. 86-962.)

15 (55 ILCS 5/3-4002) (from Ch. 34, par. 3-4002)

16 Sec. 3-4002. Chief County Public Defender ~~defender~~ in
17 counties of less than 35,000. In each county of this State
18 containing less than 35,000 inhabitants, the county board may,
19 by resolution, create the Office ~~office~~ of Public Defender and
20 the person appointed to such office shall be known as the Chief
21 County Public Defender. No person shall be eligible to or hold
22 such office unless he or she is duly licensed as an attorney ~~at~~
23 ~~law~~ in this State.

24 (Source: P.A. 86-962.)

1 (55 ILCS 5/3-4003) (from Ch. 34, par. 3-4003)

2 Sec. 3-4003. Chief County Public Defender ~~defender~~ in
3 adjoining counties ~~adjoining counties~~. Any 2 or more adjoining
4 counties of this State that are within the same judicial
5 circuit~~7~~ may, by joint resolution of the several county boards
6 involved, create a common Office ~~office~~ of Public Defender for
7 the counties so joined or allow representation in one county
8 by the public defender appointed in the collaborating county.
9 The person appointed to the Office ~~such office~~ shall be known
10 as the Chief County Public Defender. No person shall be
11 eligible to or hold the Office ~~such office~~ unless he or she is
12 duly licensed as an attorney ~~at law~~ in this State.

13 (Source: P.A. 86-962.)

14 (55 ILCS 5/3-4004) (from Ch. 34, par. 3-4004)

15 Sec. 3-4004. Appointment of Chief County Public Defender
16 in counties under 3,000,000 ~~1,000,000~~. When a vacancy occurs
17 in the position of Chief County Public Defender in a county
18 with a population under 3,000,000, the Chief Judge of the
19 Circuit Court in which the county is located, or counties if
20 the Chief Public Defender serves in 2 or more counties, shall
21 notify the State Public Defender. The State Public Defender
22 shall convene and co-chair a Local Nominating Committee
23 composed of between 4 and 6 members. The second co-chair of the
24 committee shall be the Chief Judge or a Circuit Judge serving

1 as their designee. The State Public Defender and the Circuit
2 Judges shall each appoint one-half of the other committee
3 members, who shall be familiar with the practice of public
4 defense in the relevant county and judicial circuit, including
5 criminal defense or representation of clients under the
6 Juvenile Court Act of 1987, or both. Membership shall be
7 diverse, include a variety of public defense stakeholders, and
8 be free from interests that would pose a conflict with the
9 effective operation of the public defender office. Members may
10 include, but are not limited to, representatives from legal
11 professional associations, law schools, the public defense
12 community, the private defense bar, the judiciary, county
13 government, community organizations, and former public
14 defender clients and their family members. No person shall be
15 appointed to the Committee who, within the 2 years prior to
16 appointment, has received compensation to be a prosecutor or
17 law enforcement official, or who has served as an employee of
18 such a person. The Local Nominating Committee shall recommend
19 one or more candidates to the State Public Defender
20 Commission, whose members shall then appoint a properly
21 qualified Chief County Public Defender. Whenever a vacancy
22 occurs in the office it shall be 3 filled in the same manner,
23 ~~As soon as may be after this Division becomes applicable to a~~
24 ~~county with a population under 1,000,000, the judges of the~~
25 ~~Circuit Court of the circuit in which the county is located~~
26 ~~shall, by a majority vote of the entire number of those judges,~~

~~appoint to the office of Public Defender a properly qualified person, who shall hold office, his death or resignation not intervening, at the pleasure of the judges competent to appoint. Whenever a vacancy occurs in the office it shall be filled in the same manner,~~ and the person appointed to fill the vacancy shall have the same tenure of office.

(Source: P.A. 86-962; 87-111.)

(55 ILCS 5/3-4004.1) (from Ch. 34, par. 3-4004.1)

Sec. 3-4004.1. Appointment of Chief County Public Defender in counties over 3,000,000 1,000,000. When a vacancy occurs in the position of Chief County Public Defender in a county with a population under 3,000,000, the President shall notify the State Public Defender. The State Public Defender shall convene and co-chair a Local Nominating Committee composed of between 4 and 6 members. The second co-chair of the committee shall be the President or their designee. The State Public Defender and the President shall each appoint one-half of the other committee members, who shall be familiar with the practice of public defense in the relevant county and judicial circuit, including criminal defense or representation of clients under the Juvenile Court Act of 1987, or both. Membership shall be diverse, include a variety of public defense stakeholders, and be free from interests that would pose a conflict with the effective operation of the public defender office. Members may include, but are not limited to, representatives from legal

1 professional associations, law schools, the public defense
2 community, the private defense bar, the judiciary, county
3 government, community organizations, and former public
4 defender clients and their family members. No person shall be
5 appointed to the Committee who, within the 2 years prior to
6 appointment, has received compensation to be a prosecutor or
7 law enforcement official, or who has served as an employee of
8 such a person. The Local Nominating Committee shall recommend
9 one or more candidates to the State Public Defender
10 Commission, whose members shall then appoint a properly
11 qualified Chief County Public Defender. ~~Whenever a vacancy~~
12 ~~shall occur in the position of Public Defender in counties~~
13 ~~over 1,000,000, a properly qualified person shall be appointed~~
14 ~~to the position by the President with the advice and consent of~~
15 ~~the Board.~~

16 (Source: P.A. 87-111.)

17 (55 ILCS 5/3-4004.2) (from Ch. 34, par. 3-4004.2)

18 Sec. 3-4004.2. Qualifications of Chief County Public
19 Defender and terms of employment. In ~~in~~ counties with an
20 appointed Chief County Public Defender, ~~over 1,000,000. In~~
21 ~~counties with a population over 1,000,000,~~ the following
22 qualifications and terms of employment shall apply:

23 (a) The Chief County Public Defender shall be ~~The~~
24 ~~president shall select as Public Defender only a person~~
25 ~~with the following qualifications:~~ an attorney whose

1 practice of law has clearly demonstrated experience in the
2 representation of persons accused of crime; who has been
3 licensed to practice law in this State or in another state
4 for at least 5 years; who has had administrative
5 experience; and who is dedicated to the goals of providing
6 high quality representation for eligible persons and to
7 improving the quality of defense services generally.

8 (b) The Chief County Public Defender shall devote full
9 time to the duties of the public defender system and shall
10 not otherwise engage in the practice of law.

11 (c) Once approved, the Chief County ~~The~~ Public
12 Defender ~~once approved by the Board~~ shall serve for 10 ~~6~~
13 years and may be removed ~~by the President~~ only for good
14 cause or dereliction of duty after notice and a hearing
15 before the State Public Defender Commission. At the
16 expiration of a term, the Chief County Public Defender may
17 be reappointed to one or more subsequent terms ~~Board.~~
18 Terms and qualifications apply to Chief County Public
19 Defenders appointed after the effective date of this
20 amendatory Act of the 104th General Assembly. The
21 ~~effective date of this amendatory Act of 1991 shall be~~
22 ~~deemed the commencement of the term of the current public~~
23 ~~defender.~~

24 (d) (Blank). ~~The Public Defender's compensation shall~~
25 ~~be set at a level that is commensurate with his~~
26 ~~qualifications and experience and professionally~~

~~appropriate with the responsibility of the position. The
Public Defender's compensation shall be comparable with
that paid to circuit court judges, but in no event shall be
more than that of the State's Attorney of the county.~~

(Source: P.A. 87-111.)

(55 ILCS 5/3-4005) (from Ch. 34, par. 3-4005)

Sec. 3-4005. Oath of office. The person appointed as Chief
County Public Defender, before entering on the duties of his
office, shall take and subscribe an oath of office in writing
before one of the judges qualified to administer it ~~competent~~
~~to appoint~~, which oath shall be filed in the office of the
County Clerk.

(Source: P.A. 86-962.)

(55 ILCS 5/3-4007) (from Ch. 34, par. 3-4007)

Sec. 3-4007. Compensation.

(a) The Chief County Public Defender ~~public defender~~ shall
be paid out of the county treasury, and, subject to
appropriation, shall be paid by the Department of Revenue out
of the Personal Property Tax Replacement Fund or the General
Revenue Fund as provided in subsection (b), as the sole
compensation for his or her services a salary in an amount
fixed by the County Board. ~~When a Public Defender in a county
of 30,000 or more population is receiving not less than 90% of
the compensation of the State's Attorney of such county, that~~

1 ~~Public Defender shall not engage in the private practice of~~
2 ~~law.~~

3 (b) ~~The State must pay 66 2/3% of the public defender's~~
4 ~~annual salary.~~ If the Chief County Public Defender ~~public~~
5 ~~defender~~ is employed full-time in that capacity, his or her
6 salary must be at least 95% ~~90%~~ of that county's State's
7 Attorney's ~~attorney's~~ annual compensation and will be eligible
8 for the same amount of reimbursement as that county's State's
9 Attorney under Section 4-2001. Funding for assistant public
10 defenders must be at least proportionate to that of assistant
11 State's Attorneys, including supplements for counties housing
12 certain State institutions as described Section 4-2001.
13 Subject to appropriation, these amounts furnished by the State
14 shall be payable monthly by the Department of Revenue out of
15 the Personal Property Tax Replacement Fund or the General
16 Revenue Fund to the county in which each Public Defender is
17 employed.

18 (c) In cases where 2 or more adjoining counties have
19 joined to form a common office of Public Defender or otherwise
20 collaborate under Section 3-4003, the salary of the Chief
21 County Public Defender shall be set and paid as provided by a
22 joint resolution of the various county boards involved.

23 (Source: P.A. 97-72, eff. 7-1-11.)

24 (55 ILCS 5/3-4008.1) (from Ch. 34, par. 3-4008.1)

25 Sec. 3-4008.1. Assistant public defenders ~~Assistants in~~

1 ~~counties over 1,000,000.~~ The Chief County Public Defender ~~in~~
2 ~~counties with a population over 1,000,000~~ shall appoint
3 assistants, all duly licensed practitioners, as that Public
4 Defender shall deem necessary for the proper discharge of the
5 duties of the office, who shall serve at the pleasure of the
6 Chief County Public Defender. The Chief County Public Defender
7 shall also, in like manner, appoint clerks and other employees
8 necessary for the transaction of the business of the office.
9 The compensation of and the appropriate number of assistants,
10 clerks, and employees shall be fixed by the County Board and
11 paid out of the county treasury.

12 (Source: P.A. 87-111.)

13 (55 ILCS 5/3-4009) (from Ch. 34, par. 3-4009)

14 Sec. 3-4009. Office quarters; expenses. ~~The~~ County Boards
15 ~~Board~~ shall provide suitable office quarters for the use of
16 the Chief County Public Defender and other public defender
17 office employees, and shall pay out of the county treasury for
18 necessary office, travel and other expenses incurred in the
19 defense of cases, including, but not limited to, social
20 workers, investigators, expert witnesses, mitigators, and
21 administrative staff. ~~In counties of less than 500,000~~
22 ~~population, such payment shall be made after the circuit court~~
23 ~~of the county approves such expenses as being necessary and~~
24 ~~proper.~~ In cases where 2 or more adjoining counties have
25 joined to form a common office of Public Defender or otherwise

1 collaborate under Section 3-4003, the expenses incurred under
2 this Section shall be paid as provided for in a joint
3 resolution of the various county boards involved.

4 (Source: P.A. 86-962.)

5 (55 ILCS 5/3-4010.1) (from Ch. 34, par. 3-4010.1)

6 Sec. 3-4010.1. Records; reports ~~in counties over~~
7 ~~1,000,000~~. The Chief County Public Defender ~~public defender~~ in
8 counties with a population over 35,000 ~~1,000,000~~ shall keep a
9 record of the services rendered by the office of the public
10 defender ~~him~~ and prepare and file quarterly with the president
11 and Commission a written report of those services. If 2 or more
12 adjoining counties have joined to form a common Office of
13 public defender or otherwise collaborate under Section 3-4003,
14 the Chief County Public Defender so appointed shall file his
15 or her quarterly report with each of the several county boards
16 involved.

17 (Source: P.A. 87-111.)

18 (55 ILCS 5/3-4014)

19 Sec. 3-4014. Public Defender Fund.

20 (a) (Blank).

21 (b) The Public Defender Fund is created as a special fund
22 in the State treasury. All money in the Public Defender Fund
23 shall be used, subject to appropriation, by the State Public
24 Defender ~~Illinois Supreme Court~~ to provide funding to counties

1 ~~with a population of 3,000,000 or less~~ for use by public
2 defenders for ~~and~~ public defender services and related
3 expenses pursuant to this Section 3-4014.

4 (Source: P.A. 102-1104, eff. 12-6-22; 103-8, eff. 7-1-23.)

5 (55 ILCS 5/3-4008 rep.)

6 (55 ILCS 5/3-4010 rep.)

7 (55 ILCS 5/3-4011 rep.)

8 (55 ILCS 5/3-4013 rep.)

9 Section 105. The Counties Code is amended by repealing
10 Sections 3-4004.1, 3-4008, 3-4010, 3-4011, and 3-4013.

11 Section 999. Effective date. This Act takes effect upon
12 becoming law.