

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 defense 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 "Chief County Public Defender" has the meaning ascribed to
21 it in 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 appointed
4 for a 2-year term by a majority vote of the Illinois Supreme
5 Court. Each subsequent State Public Defender shall be
6 appointed for a 6-year term under Section 45. The State Public
7 Defender shall adopt rules, instructions, and orders
8 consistent with this Act, further defining the organization of
9 the Office of the State Public Defender and the duties of the
10 Office's employees.

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

14 (d) The State Public Defender may:

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

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

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

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

25 (5) provide funding and such other support designed to
26 improve, increase access to, and advance the cause of

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

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

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

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

26 (e) The State Public Defender shall establish a

1 recruitment and retention plan to ensure a skilled and diverse
2 workforce is available to serve clients in every part of the
3 State, including establishing competitive salary scales.

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

7 (g) The State Public Defender shall maintain a website to
8 provide the public with information about the Office of State
9 Public Defender and its organization, information on how to
10 join the Client Community Advisory Board, information for
11 people seeking employment in public defense, supplementary
12 statistics and reports of public interest, reports to the
13 Commission and State agencies, and agendas, minutes, and
14 documents for Commission meetings.

15 (h) The requirement for reporting to the General Assembly
16 shall be satisfied by filing copies of the report as required
17 by Section 3.1 of the General Assembly Organization Act and
18 filing such additional copies with the State Government Report
19 Distribution Center for the General Assembly as is required
20 under paragraph (t) of Section 7 of the State Library Act.

21 (i) All required reports shall be simultaneously
22 transmitted to the Supreme Court and to the Governor.

23 Section 35. Office of State Public Defender organization.

24 (a) Within the first year of the initial State Public
25 Defender's term, the State Public Defender shall establish a

1 Public Defender Advisory Board, composed of attorneys
2 providing public defense services in this State, including one
3 or more public defenders from each Appellate Court District,
4 which shall meet regularly to advise the Office of the State
5 Public Defender regarding legal practice issues and resource
6 needs around the State and establishing workload, staffing,
7 and salary standards for the provision of public defense
8 throughout the State.

9 (b) Within the first 2 years of the initial State Public
10 Defender's term, the State Public Defender shall collaborate
11 with the Public Defender Advisory Board to determine which
12 judicial circuits or geographic regions require State public
13 defenders, how many public defenders and staff are required to
14 supplement existing county public defenders, staff, and
15 appointed counsel in order for the State of Illinois to comply
16 with its legal obligations, and what process should be used
17 for guiding and tracking recommendations to judges regarding
18 case assignments to State and county public defenders. Within
19 the first year of the initial State Public Defender's term,
20 the State Public Defender shall initiate a survey to determine
21 the number of employees and contractors providing public
22 defense services in the State and the types and numbers of
23 matters they are handling.

24 (c) Within the first year of the initial State Public
25 Defender's term, the State Public Defender shall establish a
26 Client Community Advisory Board, composed of former clients

1 and impacted community members, which shall meet regularly to
2 advise the Office of the State Public Defender regarding
3 client legal issues and needs around the State.

4 (d) Within the first year of the initial State Public
5 Defender's term, the State Public Defender shall collaborate
6 with the Public Defender Advisory Board to devise an
7 application process for whenever there is an open Chief County
8 Public Defender position, including standards for job
9 descriptions and application requirements, and a process for
10 promotion of vacancies designed to recruit diverse, qualified
11 candidates.

12 Within the first 2 years of the initial State Public
13 Defender's term, the State Public Defender shall collaborate
14 with the Public Defender Advisory Board to devise standards
15 for retention and reappointment of Chief County Public
16 Defenders as well as a process for investigations and hearings
17 for removal of Chief County Public Defenders, including
18 immediate suspension when warranted. In the event a Chief
19 County Public Defender must be immediately removed or becomes
20 unable to serve in their position, the State Public Defender
21 is authorized to appoint an Acting Chief County Public
22 Defender.

23 (e) Within the first year of the initial State Public
24 Defender's term, the State Public Defender shall establish a
25 working group to assess the availability of public defender
26 representation and adequacy of resources in proceedings under

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

14 (f) Immediately upon being appointed, the initial State
15 Public Defender shall establish a procedure for distributions
16 from the Public Defender Fund described under Section 3-4014
17 of the Counties Code.

18 (1) The purpose of the Public Defender Fund is to
19 supplement, not supplant, county public defense budgets
20 and to aid county public defenders in providing effective
21 assistance of counsel to their clients.

22 (2) State support, funding, and services provided to
23 any county public defender office shall neither affect nor
24 be offset by any reduction in existing or projected public
25 defender office budgets from any other source.

26 (3) Appropriate uses of funds include, but are not

1 limited to:

2 (A) hiring investigators, social workers, or
3 mental health clinicians;

4 (B) increasing compensation for attorney and
5 non-attorney employees;

6 (C) funding expert witnesses, trial technology,
7 investigation expenses, and any other case-related
8 needs; and

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

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

19 (5) County public defender offices shall provide the
20 Office of State Public Defender with a report including a
21 detailed accounting of the provided funds and an
22 evaluation of the impact of the provided funds within a
23 reasonable time frame established by the Office of State
24 Public Defender.

25 (g) Following the planning phase described in subsections
26 (a) through (f), the State Public Defender may establish

1 regional offices. The State Public Defender may appoint a
2 deputy public defender for each regional office who shall
3 serve as the administrator of that office. Each deputy public
4 defender must be an attorney licensed to practice law in this
5 State. Deputy public defenders shall serve at the pleasure of
6 the State Public Defender.

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

16 (i) Deputy public defenders may employ, with the approval
17 of the State Public Defender, assistant public defenders,
18 investigators, social services staff, administrative staff,
19 and other employees under their direct supervision, as
20 described in subsection (h).

21 (j) Attorneys employed by the Office of the State Public
22 Defender shall devote full time to their duties, except as
23 provided in Section 50, and may not engage in the private
24 practice of law.

25 Section 40. State Public Defender Commission.

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

4 (1) two members appointed by the Governor;

5 (2) three members appointed by the Supreme Court;

6 (3) one member appointed by the Speaker of the House
7 of Representatives;

8 (4) one member appointed by the Minority Leader of the
9 House of Representatives;

10 (5) one member appointed by the President of the
11 Senate;

12 (6) one member appointed by the Minority Leader of the
13 Senate;

14 (7) one member appointed by the Governor representing
15 community-based organizations that support the success of
16 people impacted by the criminal or juvenile delinquency
17 and dependency legal systems; and

18 (8) one member appointed by the Governor representing
19 organizations advocating for civil rights or criminal or
20 juvenile delinquency or dependency legal system reform.

21 All appointments shall be filed with the Secretary of
22 State by the appointing authority within 3 months of the
23 effective date of this Act and within 3 months of any
24 subsequent vacancy. The terms of the original members shall be
25 as follows: 5 members shall be appointed to 2-year terms and
26 until a successor is appointed and qualified and 6 members

1 shall be appointed to 4-year terms and until a successor is
2 appointed and qualified. Thereafter, all members shall be
3 appointed to 4-year terms and until a successor is appointed
4 and qualified. The chairperson, at the first meeting of the
5 Commission, shall conduct a drawing by lot to determine
6 whether each original member shall be appointed to a 2-year or
7 4-year term.

8 (b) Persons appointed to the Commission shall have
9 significant experience in the defense of indigent clients in
10 criminal or juvenile proceedings or shall have demonstrated a
11 strong commitment to quality representation in indigent
12 defense matters. No person shall be appointed to the
13 Commission who, within the 2 years prior to appointment, has
14 received compensation to be a judge, elected official,
15 judicial officer, prosecutor, or law enforcement official, or
16 who has served as an employee of such a person.

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

25 (d) Members of the Commission shall elect from the
26 membership of the Commission a chairperson, vice-chairperson,

1 and secretary. No officer may serve more than one full 4-year
2 term as an officer. The Commission shall meet quarterly. The
3 chairperson shall determine the time and place of meetings.
4 Additional meetings may be held upon petition to the
5 chairperson by 7 or more members of the Commission or upon the
6 call of the chairperson after 7 days written notice to the
7 members.

8 (e) The first act of the Commission shall be to identify
9 the operational costs and funding sources for establishing the
10 Office of the State Public Defender.

11 (f) The Commission shall approve the Office of State
12 Public Defender distribution of the Public Defender Fund under
13 Section 3-4014 of the Counties Code.

14 (g) Members of the Commission may receive a stipend upon
15 demonstrated need, based on a decision of the chairperson.
16 Members of the Commission shall receive reimbursement for
17 actual expenses incurred in the performance of the member's
18 duties.

19 (h) Six members of the Commission constitute a quorum.

20 (i) Records and proceedings of the Commission shall be
21 subject to the Open Meetings Act and Freedom of Information
22 Act.

23 Section 45. Powers and duties of the State Public Defender
24 Commission.

25 (a) The Commission shall appoint, by a vote of a majority

1 of its members, a State Public Defender for a 6-year term and
2 until the State Public Defender's successor is appointed and
3 qualified. The State Public Defender must be an attorney
4 licensed to practice law in this State and whose practice of
5 law has clearly demonstrated experience in the representation
6 of persons accused of crime; who has been licensed to practice
7 law in this State or in another state for at least 5 years; who
8 has had administrative experience; and who is dedicated to the
9 goals of providing high-quality representation for eligible
10 persons and to improving the quality of defense services
11 generally. The State Public Defender shall devote full time to
12 the duties of the Office of State Public Defender and may not
13 engage in the private practice of law.

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

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

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

26 (3) supervision and experience standards relative to

1 case complexity;

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

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

12 (6) adequate resources for expert witnesses, trial
13 technology, investigation expenses, and any other
14 case-related needs;

15 (7) continuous representation by one attorney
16 throughout the pendency of the case to the extent
17 possible; and

18 (8) ongoing, systematic evaluation of each public
19 defense agency.

20 (c) The Commission shall approve or modify an operational
21 budget and the Public Defender Fund expenditures submitted to
22 the Commission by the State Public Defender.

23 (d) The Commission may remove the State Public Defender
24 only for cause and after a hearing. The Commission may hold
25 such a hearing on the Commission's own motion and may adopt
26 rules establishing other procedures for the hearing.

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

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

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

18 (5 ILCS 140/7)

19 Sec. 7. Exemptions.

20 (1) When a request is made to inspect or copy a public
21 record that contains information that is exempt from
22 disclosure under this Section, but also contains information
23 that is not exempt from disclosure, the public body may elect

1 to redact the information that is exempt. The public body
2 shall make the remaining information available for inspection
3 and copying. Subject to this requirement, the following shall
4 be exempt from inspection and copying:

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

18 (a-5) ~~(a)~~ Information specifically prohibited from
19 disclosure by federal or State law or rules and
20 regulations implementing federal or State law.

21 (b) Private information, unless disclosure is required
22 by another provision of this Act, a State or federal law,
23 or a court order.

24 (b-5) Files, documents, and other data or databases
25 maintained by one or more law enforcement agencies and
26 specifically designed to provide information to one or

1 more law enforcement agencies regarding the physical or
2 mental status of one or more individual subjects.

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

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

21 (i) interfere with pending or actually and
22 reasonably contemplated law enforcement proceedings
23 conducted by any law enforcement or correctional
24 agency that is the recipient of the request;

25 (ii) interfere with active administrative
26 enforcement proceedings conducted by the public body

1 that is the recipient of the request;

2 (iii) create a substantial likelihood that a
3 person will be deprived of a fair trial or an impartial
4 hearing;

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

17 (v) disclose unique or specialized investigative
18 techniques other than those generally used and known
19 or disclose internal documents of correctional
20 agencies related to detection, observation, or
21 investigation of incidents of crime or misconduct, and
22 disclosure would result in demonstrable harm to the
23 agency or public body that is the recipient of the
24 request;

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

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

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

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

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

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

23 (e-5) Records requested by persons committed to the
24 Department of Corrections, Department of Human Services
25 Division of Mental Health, or a county jail if those
26 materials are available in the library of the correctional

1 institution or facility or jail where the inmate is
2 confined.

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

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

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

21 (e-9) Records requested by a person in a county jail
22 or committed to the Department of Corrections or
23 Department of Human Services Division of Mental Health,
24 containing personal information pertaining to the person's
25 victim or the victim's family, including, but not limited
26 to, a victim's home address, home telephone number, work

1 or school address, work telephone number, social security
2 number, or any other identifying information, except as
3 may be relevant to a requester's current or potential case
4 or claim.

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

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

22 (g) Trade secrets and commercial or financial
23 information obtained from a person or business where the
24 trade secrets or commercial or financial information are
25 furnished under a claim that they are proprietary,
26 privileged, or confidential, and that disclosure of the

1 trade secrets or commercial or financial information would
2 cause competitive harm to the person or business, and only
3 insofar as the claim directly applies to the records
4 requested.

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

20 Nothing contained in this paragraph (g) shall be
21 construed to prevent a person or business from consenting
22 to disclosure.

23 (h) Proposals and bids for any contract, grant, or
24 agreement, including information which if it were
25 disclosed would frustrate procurement or give an advantage
26 to any person proposing to enter into a contractor

1 agreement with the body, until an award or final selection
2 is made. Information prepared by or for the body in
3 preparation of a bid solicitation shall be exempt until an
4 award or final selection is made.

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

16 (j) The following information pertaining to
17 educational matters:

18 (i) test questions, scoring keys, and other
19 examination data used to administer an academic
20 examination;

21 (ii) information received by a primary or
22 secondary school, college, or university under its
23 procedures for the evaluation of faculty members by
24 their academic peers;

25 (iii) information concerning a school or
26 university's adjudication of student disciplinary

1 cases, but only to the extent that disclosure would
2 unavoidably reveal the identity of the student; and

3 (iv) course materials or research materials used
4 by faculty members.

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

17 (l) Minutes of meetings of public bodies closed to the
18 public as provided in the Open Meetings Act until the
19 public body makes the minutes available to the public
20 under Section 2.06 of the Open Meetings Act.

21 (m) Communications between a public body and an
22 attorney or auditor representing the public body that
23 would not be subject to discovery in litigation, and
24 materials prepared or compiled by or for a public body in
25 anticipation of a criminal, civil, or administrative
26 proceeding upon the request of an attorney advising the

1 public body, and materials prepared or compiled with
2 respect to internal audits of public bodies.

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

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

17 (p) Records relating to collective negotiating matters
18 between public bodies and their employees or
19 representatives, except that any final contract or
20 agreement shall be subject to inspection and copying.

21 (q) Test questions, scoring keys, and other
22 examination data used to determine the qualifications of
23 an applicant for a license or employment.

24 (r) The records, documents, and information relating
25 to real estate purchase negotiations until those
26 negotiations have been completed or otherwise terminated.

1 With regard to a parcel involved in a pending or actually
2 and reasonably contemplated eminent domain proceeding
3 under the Eminent Domain Act, records, documents, and
4 information relating to that parcel shall be exempt except
5 as may be allowed under discovery rules adopted by the
6 Illinois Supreme Court. The records, documents, and
7 information relating to a real estate sale shall be exempt
8 until a sale is consummated.

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

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

24 (u) Information that would disclose or might lead to
25 the disclosure of secret or confidential information,
26 codes, algorithms, programs, or private keys intended to

1 be used to create electronic signatures under the Uniform
2 Electronic Transactions Act.

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

16 (w) (Blank).

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

22 (y) Information contained in or related to proposals,
23 bids, or negotiations related to electric power
24 procurement under Section 1-75 of the Illinois Power
25 Agency Act and Section 16-111.5 of the Public Utilities
26 Act that is determined to be confidential and proprietary

1 by the Illinois Power Agency or by the Illinois Commerce
2 Commission.

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

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

11 (bb) Records and information provided to a mortality
12 review team and records maintained by a mortality review
13 team appointed under the Department of Juvenile Justice
14 Mortality Review Team Act.

15 (cc) Information regarding interments, entombments, or
16 inurnments of human remains that are submitted to the
17 Cemetery Oversight Database under the Cemetery Care Act or
18 the Cemetery Oversight Act, whichever is applicable.

19 (dd) Correspondence and records (i) that may not be
20 disclosed under Section 11-9 of the Illinois Public Aid
21 Code or (ii) that pertain to appeals under Section 11-8 of
22 the Illinois Public Aid Code.

23 (ee) The names, addresses, or other personal
24 information of persons who are minors and are also
25 participants and registrants in programs of park
26 districts, forest preserve districts, conservation

1 districts, recreation agencies, and special recreation
2 associations.

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

9 (gg) Confidential information described in Section
10 1-100 of the Illinois Independent Tax Tribunal Act of
11 2012.

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

16 (ii) Records requested by persons committed to or
17 detained by the Department of Human Services under the
18 Sexually Violent Persons Commitment Act or committed to
19 the Department of Corrections under the Sexually Dangerous
20 Persons Act if those materials: (i) are available in the
21 library of the facility where the individual is confined;
22 (ii) include records from staff members' personnel files,
23 staff rosters, or other staffing assignment information;
24 or (iii) are available through an administrative request
25 to the Department of Human Services or the Department of
26 Corrections.

1 (jj) Confidential information described in Section
2 5-535 of the Civil Administrative Code of Illinois.

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

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

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

17 (nn) Proprietary information submitted to the
18 Environmental Protection Agency under the Drug Take-Back
19 Act.

20 (oo) Records described in subsection (f) of Section
21 3-5-1 of the Unified Code of Corrections.

22 (pp) Any and all information regarding burials,
23 interments, or entombments of human remains as required to
24 be reported to the Department of Natural Resources
25 pursuant either to the Archaeological and Paleontological
26 Resources Protection Act or the Human Remains Protection

1 Act.

2 (qq) Reports described in subsection (e) of Section
3 16-15 of the Abortion Care Clinical Training Program Act.

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

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

19 (tt) Proposals or bids submitted by engineering
20 consultants in response to requests for proposal or other
21 competitive bidding requests by the Department of
22 Transportation or the Illinois Toll Highway Authority.

23 (1.5) Any information exempt from disclosure under the
24 Judicial Privacy Act shall be redacted from public records
25 prior to disclosure under this Act.

26 (2) A public record that is not in the possession of a

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

7 (3) This Section does not authorize withholding of
8 information or limit the availability of records to the
9 public, except as stated in this Section or otherwise provided
10 in this Act.

11 (Source: P.A. 102-38, eff. 6-25-21; 102-558, eff. 8-20-21;
12 102-694, eff. 1-7-22; 102-752, eff. 5-6-22; 102-753, eff.
13 1-1-23; 102-776, eff. 1-1-23; 102-791, eff. 5-13-22; 102-982,
14 eff. 7-1-23; 102-1055, eff. 6-10-22; 103-154, eff. 6-30-23;
15 103-423, eff. 1-1-24; 103-446, eff. 8-4-23; 103-462, eff.
16 8-4-23; 103-540, eff. 1-1-24; 103-554, eff. 1-1-24; 103-605,
17 eff. 7-1-24; 103-865, eff. 1-1-25.)

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

20 (20 ILCS 3930/16 new)

21 Sec. 16. Public defense performance metrics, data
22 collection, analysis and public reporting.

23 (a) The State Public Defender Commission shall identify
24 and implement a system of performance metrics to assess the

1 provision of indigent defense services in this State relative
2 to the standards established by the Commission under Section
3 45 of the State Public Defender Act and national standards and
4 benchmarks to ensure the State of Illinois complies with its
5 obligations under the Sixth Amendment of the United States
6 Constitution.

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

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

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

23 (A) the types of and numbers of matters in which
24 public defense services have been provided on an
25 annual basis in categories to be determined by the
26 Commission and in alignment with existing circuit

1 court data guidelines established by the
2 Administrative Office of the Illinois Courts;

3 (B) for each public defender agency and State's
4 Attorney's office:

5 (i) the number of administrators, attorneys,
6 and other staff who work at each agency, including
7 whether they are full-time or part-time and
8 whether they are employed or contracted; and the
9 salaries and other compensation paid to individual
10 administrators, attorneys and staff;

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

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

17 (iv) the total numbers of matters, by
18 category, opened, disposed, and pending within
19 each annual period for each attorney and for the
20 agency in total;

21 (C) the criteria and procedures used to determine
22 whether a person is eligible to receive public
23 defender services, the number of persons considered
24 for and applicants denied such services, the reasons
25 for the denials, and the results of any review of such
26 denials; and

1 (D) the standards and criteria used by each county
2 to determine whether individual attorneys are
3 qualified to provide indigent legal services, and how
4 those standards and criteria compare to those set by
5 the State Public Defender Commission.

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

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

18 Section 100. The Counties Code is amended by changing
19 Sections 3-4000, 3-4000.1, 3-4001, 3-4002, 3-4003, 3-4004,
20 3-4004.1, 3-4004.2, 3-4005, 3-4007, 3-4008.1, 3-4009,
21 3-4010.1, and 3-4014 as follows:

22 (55 ILCS 5/3-4000) (from Ch. 34, par. 3-4000)

23 Sec. 3-4000. Legislative declaration. The General Assembly
24 recognizes that quality legal representation in criminal,

1 juvenile court proceedings and related matters is a
2 ~~proceedings is a fundamental~~ fundamental constitutional right
3 of the people of the State of Illinois and that there should be
4 no distinction in the availability of quality legal
5 representation based upon a person's ability ~~inability~~ to pay.
6 Therefore, it is the intent of the General Assembly to provide
7 for an effective county public defense system ~~defender systems~~
8 throughout the State and encourage the active and substantial
9 participation of the private bar in the representation of
10 accused people ~~indigent defendants~~.

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

12 (55 ILCS 5/3-4000.1) (from Ch. 34, par. 3-4000.1)

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

16 "Board" means the county board of commissioners.

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

19 "Chief County Public Defender" means a county chief public
20 defender appointed to the office of public defender in one or
21 more counties under Section 3-4001, 3-4002, or 3-4003.

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

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

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

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

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

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

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

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

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

Sec. 3-4003. Chief County Public Defender ~~defender~~ in adjoining counties ~~adjoining counties~~. Any 2 or more adjoining counties of this State that are within the same judicial

1 circuit~~7~~ may~~l~~ by joint resolution of the several county boards
2 involved, create a common Office ~~office~~ of Public Defender for
3 the counties so joined or allow representation in one county
4 by the public defender appointed in the collaborating county.
5 The person appointed to the Office ~~such office~~ shall be known
6 as the Chief County Public Defender. No person shall be
7 eligible to or hold the Office ~~such office~~ unless he or she is
8 duly licensed as an attorney ~~at law~~ in this State.

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

10 (55 ILCS 5/3-4004) (from Ch. 34, par. 3-4004)

11 Sec. 3-4004. Appointment of Chief County Public Defender
12 in counties under 3,000,000 ~~1,000,000~~. When a vacancy occurs
13 in the position of Chief County Public Defender in a county
14 with a population under 3,000,000, the Chief Judge of the
15 Circuit Court in which the county is located, or counties if
16 the Chief Public Defender serves in 2 or more counties, shall
17 notify the State Public Defender. The State Public Defender
18 shall convene and co-chair a Local Nominating Committee
19 composed of between 4 and 6 members. The second co-chair of the
20 committee shall be the Chief Judge or a Circuit Judge serving
21 as their designee. The State Public Defender and the Circuit
22 Judges shall each appoint one-half of the other committee
23 members, who shall be familiar with the practice of public
24 defense in the relevant county and judicial circuit, including
25 criminal defense or representation of clients under the

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

1 ~~manner,~~ and the person appointed to fill the vacancy shall
2 begin a new 10-year term ~~have the same tenure of office.~~

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

4 (55 ILCS 5/3-4004.1) (from Ch. 34, par. 3-4004.1)

5 Sec. 3-4004.1. Appointment of Chief County Public Defender
6 in counties over 3,000,000 ~~1,000,000~~. When a vacancy occurs in
7 the position of Chief County Public Defender in a county with a
8 population over 3,000,000 ~~Whenever a vacancy shall occur in~~
9 ~~the position of Public Defender in counties over 1,000,000, a~~
10 properly qualified person shall be appointed to the position
11 by the President with the advice and consent of the Board.

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

13 (55 ILCS 5/3-4004.2) (from Ch. 34, par. 3-4004.2)

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

19 (a) The Chief County Public Defender shall be ~~The~~
20 ~~president shall select as Public Defender only a person~~
21 ~~with the following qualifications:~~ an attorney whose
22 practice of law has clearly demonstrated experience in the
23 representation of persons accused of crime; who has been
24 licensed to practice law in this State or in another state

1 for at least 5 years; who has had administrative
2 experience; and who is dedicated to the goals of providing
3 high quality representation for eligible persons and to
4 improving the quality of defense services generally.

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

8 (c) In counties over 3,000,000, the Chief County ~~The~~
9 Public Defender once approved by the Board shall serve for
10 6 years and may be removed by the President only for good
11 cause or dereliction of duty after notice and a hearing
12 before the Board. ~~The effective date of this amendatory~~
13 ~~Act of 1991 shall be deemed the commencement of the term of~~
14 ~~the current public defender.~~

15 (c-5) In counties under 3,000,000, once approved, the
16 Chief County Public Defender shall serve for 10 years and
17 may be removed only for good cause or dereliction of duty
18 after notice and a hearing before the State Public
19 Defender Commission.

20 (d) (Blank). ~~The Public Defender's compensation shall~~
21 ~~be set at a level that is commensurate with his~~
22 ~~qualifications and experience and professionally~~
23 ~~appropriate with the responsibility of the position. The~~
24 ~~Public Defender's compensation shall be comparable with~~
25 ~~that paid to circuit court judges, but in no event shall be~~
26 ~~more than that of the State's Attorney of the county.~~

1 (e) At the expiration of a term, the Chief County
2 Public Defender may be reappointed to one or more
3 subsequent terms.

4 (f) Terms and qualifications apply to Chief County
5 Public Defenders appointed after the effective date of
6 this amendatory Act of the 104th General Assembly. Removal
7 only for cause or dereliction of duty applies to all Chief
8 County Public Defenders serving on the effective date of
9 this amendatory Act of the 104th General Assembly.

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

11 (55 ILCS 5/3-4005) (from Ch. 34, par. 3-4005)

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

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

19 (55 ILCS 5/3-4007) (from Ch. 34, par. 3-4007)

20 Sec. 3-4007. Compensation.

21 (a) The Chief County Public Defender ~~public defender~~ shall
22 be paid out of the county treasury, and, subject to
23 appropriation, shall be paid by the Department of Revenue out
24 of the Personal Property Tax Replacement Fund or the General

1 Revenue Fund as provided in subsection (b), as the sole
2 compensation for his or her services a salary in an amount
3 fixed by the County Board. ~~When a Public Defender in a county~~
4 ~~of 30,000 or more population is receiving not less than 90% of~~
5 ~~the compensation of the State's Attorney of such county, that~~
6 ~~Public Defender shall not engage in the private practice of~~
7 ~~law.~~

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

23 (c) In cases where 2 or more adjoining counties have
24 joined to form a common office of Public Defender or otherwise
25 collaborate under Section 3-4003, the salary of the Chief
26 County Public Defender shall be set and paid as provided by a

1 joint resolution of the various county boards involved and the
2 counties shall be entitled to the same State reimbursements
3 described in subsection (b).

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

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

6 Sec. 3-4008.1. Assistant public defenders ~~Assistants in~~
7 ~~counties over 1,000,000.~~ The Chief County Public Defender ~~in~~
8 ~~counties with a population over 1,000,000~~ shall appoint
9 assistants, all duly licensed practitioners, as that Chief
10 County Public Defender shall deem necessary for the proper
11 discharge of the duties of the office, who shall serve at the
12 pleasure of the Chief County Public Defender. The Chief County
13 Public Defender shall also, in like manner, appoint clerks and
14 other employees necessary for the transaction of the business
15 of the office. The compensation of and the appropriate number
16 of assistants, clerks, and employees shall be fixed by the
17 County Board and paid out of the county treasury.

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

19 (55 ILCS 5/3-4009) (from Ch. 34, par. 3-4009)

20 Sec. 3-4009. Office quarters; expenses. ~~The County Boards~~
21 ~~Board~~ shall provide suitable office quarters for the use of
22 the Chief County Public Defender and other public defender
23 office employees, and shall pay out of the county treasury for
24 necessary office, travel and other expenses incurred in the

1 defense of cases, including, but not limited to, social
2 workers, investigators, expert witnesses, mitigators, and
3 administrative staff. ~~In counties of less than 500,000~~
4 ~~population, such payment shall be made after the circuit court~~
5 ~~of the county approves such expenses as being necessary and~~
6 ~~proper.~~ In cases where 2 or more adjoining counties have
7 joined to form a common office of Public Defender or otherwise
8 collaborate under Section 3-4003, the expenses incurred under
9 this Section shall be paid as provided for in a joint
10 resolution of the various county boards involved.

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

12 (55 ILCS 5/3-4010.1) (from Ch. 34, par. 3-4010.1)

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

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

1 (55 ILCS 5/3-4014)

2 Sec. 3-4014. Public Defender Fund.

3 (a) (Blank).

4 (b) The Public Defender Fund is created as a special fund
5 in the State treasury. All money in the Public Defender Fund
6 shall be used, subject to appropriation, by the State Public
7 Defender ~~Illinois Supreme Court~~ to provide funding to counties
8 with a population of 3,000,000 or less for use by public
9 defenders for ~~and~~ public defender services and related
10 expenses pursuant to this Section 3-4014.

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

12 Section 105. The Public and Appellate Defender Immunity
13 Act is amended by changing Section 5 as follows:

14 (745 ILCS 19/5)

15 Sec. 5. Immunity. No state or county public defender,
16 assistant state or county public defender, appellate defender,
17 or assistant appellate defender, acting within the scope of
18 his or her employment or contract, nor any person or entity
19 employing, supervising, assisting, or contracting for the
20 services of a state or county public defender, assistant state
21 or county public defender, appellate defender, or assistant
22 appellate defender, is liable for any damages in tort,
23 contract, or otherwise, in which the plaintiff seeks damages
24 by reason of legal or professional malpractice, except for

1 willful and wanton misconduct.

2 (Source: P.A. 91-877, eff. 6-30-00.)

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

4 (55 ILCS 5/3-4010 rep.)

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

6 (55 ILCS 5/3-4013 rep.)

7 Section 110. The Counties Code is amended by repealing
8 Sections 3-4008, 3-4010, 3-4011, and 3-4013.

9 Section 999. Effective date. This Act takes effect January
10 1, 2027, except Section 40 and this Section take effect July 1,
11 2026.