



Rep. Dave Vella

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LRB104 10367 RLC 25055 a

1 AMENDMENT TO HOUSE BILL 3363

2 AMENDMENT NO. _____. Amend House Bill 3363 by replacing
3 everything after the enacting clause with the following:

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.

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

3 "Commission" means the State Public Defender Commission
4 established under Section 40.

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

7 "State Public Defender" means the individual appointed as
8 State Public Defender under Section 30.

9 Section 15. Office of State Public Defender. The Office of
10 State Public Defender is created as an agency of State
11 government and as an independent agency within the judicial
12 branch of government. The Office of State Public Defender
13 shall be under the supervision and direction of the State
14 Public Defender, and its records are subject to the Freedom of
15 Information Act.

16 Section 20. Oath of office. The State Public Defender
17 shall take the oath of office provided by law before assuming
18 the duties of the Office of State Public Defender.

19 Section 25. Salary. The State Public Defender shall
20 receive an annual salary equivalent to that of the Attorney
21 General.

22 Section 30. Powers and duties of the State Public

1 Defender.

2 (a) The State Public Defender or the State Public
3 Defender's designee shall act as attorney when appointed by a
4 court, without fee, for all otherwise unrepresented persons in
5 any matter in which a county public defender or other attorney
6 may be appointed, and who the court finds are unable to afford
7 counsel. The Office of the State Public Defender shall be the
8 attorney, without fee, when so appointed by the court under
9 the Juvenile Court Act of 1987.

10 (b) The initial State Public Defender shall be nominated
11 by the Illinois Public Defender Association and appointed for
12 a 2-year term by a majority vote of the Supreme Court. Each
13 subsequent State Public Defender shall be appointed for a
14 6-year term under Section 45. The State Public Defender shall
15 adopt rules, instructions, and orders consistent with this
16 Act, further defining the organization of the Office of the
17 State Public Defender and the duties of the Office's
18 employees.

19 (c) Before submitting a budget request to the General
20 Assembly, the State Public Defender shall submit the budget
21 request to the State Public Defender Commission for approval.

22 (d) The State Public Defender may:

23 (1) provide representation in counties located within
24 its regional offices in addition to appointed counsel and
25 county public defenders;

26 (2) provide county public defenders with the

1 assistance of attorneys, expert witnesses, investigators,
2 administrative staff, and social service staff;

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

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

7 (5) provide funding and such other support designed to
8 improve, increase access to, and advance the cause of
9 indigent defense, including aiding county public defenders
10 in providing effective assistance of counsel to their
11 clients. Such funding and support shall supplement, not
12 supplant, existing county public defender budgets and
13 services. Before receiving any funds provided under this
14 program, a county must certify in writing to the State
15 that it will not reduce county funds provided for public
16 defense;

17 (6) establish programs, alone or in conjunction with
18 law schools, for the purpose of using law students as
19 legal assistants;

20 (7) ensure access to a digital discovery storage
21 management system, case management software, and legal
22 research subscriptions for each public defender office,
23 taking into consideration compatibility with existing
24 county and State-based systems; and

25 (8) cooperate and consult with State and county
26 agencies, professional associations, and other groups

1 concerning the causes of criminal conduct, the
2 rehabilitation and support of persons charged with and
3 convicted of crime, the administration of criminal
4 justice, and the administration of juvenile delinquency
5 and dependency matters, including collaboration with other
6 court stakeholders to advocate for adequate funding of
7 court systems.

8 (e) The State Public Defender shall establish a
9 recruitment and retention plan to ensure a skilled and diverse
10 workforce is available to serve clients in every part of the
11 State.

12 (f) The State Public Defender shall establish and
13 supervise training programs for the State Public Defender's
14 employees.

15 (g) The State Public Defender shall adopt rules,
16 instructions, and orders, consistent with this Act to further
17 define the organization of the Office of State Public Defender
18 and the duties of employees of the Office of the State Public
19 Defender.

20 (h) The State Public Defender shall maintain a website to
21 provide the public with information about the Office of State
22 Public Defender and its organization, information on how to
23 join the Client Community Advisory Board, information for
24 people seeking employment in public defense, supplementary
25 statistics and reports of public interest, reports to the
26 Commission and State agencies, and agendas, minutes, and

1 documents for Commission meetings.

2 (i) The requirement for reporting to the General Assembly
3 shall be satisfied by filing copies of the report as required
4 by Section 3.1 of the General Assembly Organization Act and
5 filing such additional copies with the State Government Report
6 Distribution Center for the General Assembly as is required
7 under paragraph (t) of Section 7 of the State Library Act.

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

10 Section 35. Office of State Public Defender organization.

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

21 (b) During the initial State Public Defender's term, the
22 State Public Defender shall collaborate with the Public
23 Defender Advisory Board to determine which judicial circuits
24 or geographic regions require State public defenders, how many
25 public defenders and staff are required to supplement existing

1 public defenders, staff, and appointed counsel in order for
2 the State of Illinois to comply with its legal obligations,
3 and what process should be used for guiding and tracking
4 recommendations to judges regarding case assignments to State
5 and county public defenders. Within the first year of the
6 initial State Public Defender's term, the State Public
7 Defender shall initiate a survey to determine the number of
8 employees and contractors providing public defense services in
9 the State and the types and numbers of matters they are
10 handling.

11 (c) During the initial State Public Defender's term, the
12 State Public Defender shall establish a Client Community
13 Advisory Board, composed of former clients and impacted
14 community members, which shall meet regularly to advise the
15 Office of the State Public Defender regarding client legal
16 issues and needs around the State.

17 (d) During the initial State Public Defender's term, the
18 State Public Defender shall collaborate with the Public
19 Defender Advisory Board to devise an application process for
20 whenever there is an open Chief County Public Defender
21 position, including standards for job descriptions and
22 application requirements, and a process for promotion of
23 vacancies designed to recruit diverse, qualified candidates.

24 During the initial State Public Defender's term, the State
25 Public Defender shall collaborate with the Public Defender
26 Advisory Board to devise standards for retention and

1 reappointment of Chief County Public Defenders as well as a
2 process for investigations and hearings for removal of Chief
3 County Public Defenders, including immediate suspension when
4 warranted. In the event a Chief County Public Defender must be
5 immediately removed or becomes unable to serve in their
6 position, the State Public Defender is authorized to appoint
7 an Acting Chief County Public Defender.

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

25 (f) During the initial State Public Defender's term, the
26 State Public Defender shall establish a procedure for

1 distributions from the Public Defender Fund described under
2 Section 3-4014 of the Counties Code.

3 (1) The purpose of the Public Defender Fund is to
4 supplement, not supplant, county public defense budgets
5 and to aid county public defenders in providing effective
6 assistance of counsel to their clients.

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

11 (3) Appropriate uses of funds include, but are not
12 limited to:

13 (A) hiring investigators, social workers, or
14 mental health clinicians;

15 (B) increasing compensation for attorney and
16 non-attorney employees;

17 (C) funding expert witnesses, trial technology,
18 investigation expenses, and any other case-related
19 needs; and

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

21 (4) Requests by countries for financial support from
22 the Public Defender Fund shall originate solely from the
23 chief public defender of any jurisdiction and shall be
24 submitted directly to the Office of the State Public
25 Defender. Financial support shall be paid to the county in
26 which the requesting chief public defender practices, and

1 the county treasurer shall cause that entire amount to be
2 placed in the operating budget of the public defender for
3 immediate use.

4 (5) County public defender offices shall provide the
5 Office of State Public Defender with a report including a
6 detailed accounting of the provided funds and an
7 evaluation of the impact of the provided funds within a
8 reasonable time frame established by the Office of State
9 Public Defender.

10 (g) Following the planning phase described in subsections
11 (a) through (f), the State Public Defender may establish
12 regional offices. The State Public Defender shall appoint a
13 deputy defender for each regional office who shall serve as
14 the administrator of that office. Each deputy defender must be
15 an attorney licensed to practice law in this State. Deputy
16 public defenders shall serve at the pleasure of the State
17 Public Defender.

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

1 (i) Deputy defenders shall employ, with the approval of
2 the State Public Defender, assistant public defenders,
3 investigators, social services staff, administrative staff,
4 and other employees under their direct supervision, as
5 described in subsection (h).

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

10 Section 40. State Public Defender Commission.

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

14 (1) two members appointed by the Governor from a panel
15 of 5 persons nominated by the Illinois Public Defender
16 Association;

17 (2) two members appointed by the Supreme Court from a
18 panel of 5 persons nominated by the Illinois Council of
19 Chief Defenders;

20 (3) one member appointed by the Supreme Court from a
21 panel of 3 criminal defense lawyers nominated by a
22 voluntary association of lawyers which aims to assist
23 Illinois lawyers in the practice of law and to promote the
24 advancement of justice;

25 (4) one member appointed by the Speaker of the House

1 of Representatives;

2 (5) one member appointed by the Minority Leader of the
3 House of Representatives;

4 (6) one member appointed by the President of the
5 Senate;

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

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

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

15 All appointments shall be filed with the Secretary of
16 State by the appointing authority. The terms of the original
17 members shall be as follows: 5 members shall be appointed to
18 2-year terms and until a successor is appointed and qualified
19 and 6 members shall be appointed to 4-year terms and until a
20 successor is appointed and qualified. Thereafter, all members
21 shall be appointed to 4-year terms and until a successor is
22 appointed and qualified. The chairperson, at the first meeting
23 of the Commission, shall conduct a drawing by lot to determine
24 whether each original member shall be appointed to a 2-year or
25 4-year term.

26 (b) Persons appointed to the Commission shall have

1 significant experience in the defense of indigent clients in
2 criminal or juvenile proceedings or shall have demonstrated a
3 strong commitment to quality representation in indigent
4 defense matters. No person shall be appointed to the
5 Commission who, within the 2 years prior to appointment, has
6 received compensation to be a judge, elected official,
7 judicial officer, prosecutor, or law enforcement official, or
8 who has served as an employee of such a person.

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

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

26 (e) The Commission shall approve the Office of State

1 Public Defender distribution of the Public Defender Fund under
2 Section 3-4014 of the Counties Code.

3 (f) Members of the Commission may receive a stipend upon
4 demonstrated need, based on a decision of the chairperson.
5 Members of the Commission shall receive reimbursement for
6 actual expenses incurred in the performance of the member's
7 duties.

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

9 (h) Records and proceedings of the Commission shall be
10 subject to the Open Meetings Act and Freedom of Information
11 Act.

12 Section 45. Powers and duties of the State Public Defender
13 Commission.

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

24 (b) The State Public Defender shall draft, and the
25 Commission shall approve and publish, standards for

1 trial-level public defense to guarantee the right of indigent
2 defendants to the assistance of counsel as provided under the
3 Sixth Amendment of the United States Constitution. The
4 standards shall include, but are not limited to:

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

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

11 (3) supervision and experience standards relative to
12 case complexity;

13 (4) requirements to ensure that attorneys providing
14 public defense services are independent, free of conflicts
15 of interest, and free of economic disincentives or
16 incentives that impair defense counsel's ability to
17 provide effective representation;

18 (5) sufficient private office space, located at or
19 near the courthouse where the public defender practices,
20 and videoconferencing technology, to allow attorney-client
21 confidentiality to be safeguarded for meetings between
22 public defenders and their clients;

23 (6) adequate resources for expert witnesses, trial
24 technology, investigation expenses, and any other
25 case-related needs;

26 (7) continuous representation by one attorney

1 throughout the pendency of the case to the extent
2 possible; and

3 (8) ongoing, systematic evaluation of each public
4 defense agency.

5 (c) The Commission shall approve or modify an operational
6 budget and the Public Defender Fund expenditures submitted to
7 the Commission by the State Public Defender.

8 (d) The Commission may remove the State Public Defender
9 only for cause and after a hearing. The Commission may hold
10 such a hearing on the Commission's own motion and may adopt
11 rules establishing other procedures for the hearing.

12 (e) The State Public Defender shall submit reports to the
13 Commission on the operation of the Office of State Public
14 Defender at each quarterly meeting. The State Public Defender
15 shall submit a comprehensive report to the Commission at the
16 end of each fiscal year. The Commission may require the State
17 Public Defender to submit additional or amended reports on any
18 aspect of the operation of the Office of State Public
19 Defender.

20 Section 50. Shared position. For purposes of this Section,
21 "shared position" means a position in which individuals share
22 the salary and employee benefits. For purposes of seniority,
23 each individual shall receive credit at a rate equal to the
24 percentage of time employed in a shared position. Attorneys
25 sharing a position may not engage in the private practice of

1 law.

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

4 (5 ILCS 140/7)

5 Sec. 7. Exemptions.

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

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

1 apply to deidentified, aggregated, administrative records,
2 such as general case processing and workload information.

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

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

9 (b-5) Files, documents, and other data or databases
10 maintained by one or more law enforcement agencies and
11 specifically designed to provide information to one or
12 more law enforcement agencies regarding the physical or
13 mental status of one or more individual subjects.

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

1 (d) Records in the possession of any public body
2 created in the course of administrative enforcement
3 proceedings, and any law enforcement or correctional
4 agency for law enforcement purposes, but only to the
5 extent that disclosure would:

6 (i) interfere with pending or actually and
7 reasonably contemplated law enforcement proceedings
8 conducted by any law enforcement or correctional
9 agency that is the recipient of the request;

10 (ii) interfere with active administrative
11 enforcement proceedings conducted by the public body
12 that is the recipient of the request;

13 (iii) create a substantial likelihood that a
14 person will be deprived of a fair trial or an impartial
15 hearing;

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

1 request;

2 (v) disclose unique or specialized investigative
3 techniques other than those generally used and known
4 or disclose internal documents of correctional
5 agencies related to detection, observation, or
6 investigation of incidents of crime or misconduct, and
7 disclosure would result in demonstrable harm to the
8 agency or public body that is the recipient of the
9 request;

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

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

14 (d-5) A law enforcement record created for law
15 enforcement purposes and contained in a shared electronic
16 record management system if the law enforcement agency
17 that is the recipient of the request did not create the
18 record, did not participate in or have a role in any of the
19 events which are the subject of the record, and only has
20 access to the record through the shared electronic record
21 management system.

22 (d-6) Records contained in the Officer Professional
23 Conduct Database under Section 9.2 of the Illinois Police
24 Training Act, except to the extent authorized under that
25 Section. This includes the documents supplied to the
26 Illinois Law Enforcement Training Standards Board from the

1 Illinois State Police and Illinois State Police Merit
2 Board.

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

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

8 (e-5) Records requested by persons committed to the
9 Department of Corrections, Department of Human Services
10 Division of Mental Health, or a county jail if those
11 materials are available in the library of the correctional
12 institution or facility or jail where the inmate is
13 confined.

14 (e-6) Records requested by persons committed to the
15 Department of Corrections, Department of Human Services
16 Division of Mental Health, or a county jail if those
17 materials include records from staff members' personnel
18 files, staff rosters, or other staffing assignment
19 information.

20 (e-7) Records requested by persons committed to the
21 Department of Corrections or Department of Human Services
22 Division of Mental Health if those materials are available
23 through an administrative request to the Department of
24 Corrections or Department of Human Services Division of
25 Mental Health.

26 (e-8) Records requested by a person committed to the

1 Department of Corrections, Department of Human Services
2 Division of Mental Health, or a county jail, the
3 disclosure of which would result in the risk of harm to any
4 person or the risk of an escape from a jail or correctional
5 institution or facility.

6 (e-9) Records requested by a person in a county jail
7 or committed to the Department of Corrections or
8 Department of Human Services Division of Mental Health,
9 containing personal information pertaining to the person's
10 victim or the victim's family, including, but not limited
11 to, a victim's home address, home telephone number, work
12 or school address, work telephone number, social security
13 number, or any other identifying information, except as
14 may be relevant to a requester's current or potential case
15 or claim.

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

24 (f) Preliminary drafts, notes, recommendations,
25 memoranda, and other records in which opinions are
26 expressed, or policies or actions are formulated, except

1 that a specific record or relevant portion of a record
2 shall not be exempt when the record is publicly cited and
3 identified by the head of the public body. The exemption
4 provided in this paragraph (f) extends to all those
5 records of officers and agencies of the General Assembly
6 that pertain to the preparation of legislative documents.

7 (g) Trade secrets and commercial or financial
8 information obtained from a person or business where the
9 trade secrets or commercial or financial information are
10 furnished under a claim that they are proprietary,
11 privileged, or confidential, and that disclosure of the
12 trade secrets or commercial or financial information would
13 cause competitive harm to the person or business, and only
14 insofar as the claim directly applies to the records
15 requested.

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

1 this item does not apply to the identity of a privately
2 held company within the investment portfolio of a private
3 equity fund, unless the disclosure of the identity of a
4 privately held company may cause competitive harm.

5 Nothing contained in this paragraph (g) shall be
6 construed to prevent a person or business from consenting
7 to disclosure.

8 (h) Proposals and bids for any contract, grant, or
9 agreement, including information which if it were
10 disclosed would frustrate procurement or give an advantage
11 to any person proposing to enter into a contractor
12 agreement with the body, until an award or final selection
13 is made. Information prepared by or for the body in
14 preparation of a bid solicitation shall be exempt until an
15 award or final selection is made.

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

1 (j) The following information pertaining to
2 educational matters:

3 (i) test questions, scoring keys, and other
4 examination data used to administer an academic
5 examination;

6 (ii) information received by a primary or
7 secondary school, college, or university under its
8 procedures for the evaluation of faculty members by
9 their academic peers;

10 (iii) information concerning a school or
11 university's adjudication of student disciplinary
12 cases, but only to the extent that disclosure would
13 unavoidably reveal the identity of the student; and

14 (iv) course materials or research materials used
15 by faculty members.

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

1 security.

2 (l) Minutes of meetings of public bodies closed to the
3 public as provided in the Open Meetings Act until the
4 public body makes the minutes available to the public
5 under Section 2.06 of the Open Meetings Act.

6 (m) Communications between a public body and an
7 attorney or auditor representing the public body that
8 would not be subject to discovery in litigation, and
9 materials prepared or compiled by or for a public body in
10 anticipation of a criminal, civil, or administrative
11 proceeding upon the request of an attorney advising the
12 public body, and materials prepared or compiled with
13 respect to internal audits of public bodies.

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

18 (o) Administrative or technical information associated
19 with automated data processing operations, including, but
20 not limited to, software, operating protocols, computer
21 program abstracts, file layouts, source listings, object
22 modules, load modules, user guides, documentation
23 pertaining to all logical and physical design of
24 computerized systems, employee manuals, and any other
25 information that, if disclosed, would jeopardize the
26 security of the system or its data or the security of

1 materials exempt under this Section.

2 (p) Records relating to collective negotiating matters
3 between public bodies and their employees or
4 representatives, except that any final contract or
5 agreement shall be subject to inspection and copying.

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

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

20 (s) Any and all proprietary information and records
21 related to the operation of an intergovernmental risk
22 management association or self-insurance pool or jointly
23 self-administered health and accident cooperative or pool.
24 Insurance or self-insurance (including any
25 intergovernmental risk management association or
26 self-insurance pool) claims, loss or risk management

1 information, records, data, advice, or communications.

2 (t) Information contained in or related to
3 examination, operating, or condition reports prepared by,
4 on behalf of, or for the use of a public body responsible
5 for the regulation or supervision of financial
6 institutions, insurance companies, or pharmacy benefit
7 managers, unless disclosure is otherwise required by State
8 law.

9 (u) Information that would disclose or might lead to
10 the disclosure of secret or confidential information,
11 codes, algorithms, programs, or private keys intended to
12 be used to create electronic signatures under the Uniform
13 Electronic Transactions Act.

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

1 (w) (Blank).

2 (x) Maps and other records regarding the location or
3 security of generation, transmission, distribution,
4 storage, gathering, treatment, or switching facilities
5 owned by a utility, by a power generator, or by the
6 Illinois Power Agency.

7 (y) Information contained in or related to proposals,
8 bids, or negotiations related to electric power
9 procurement under Section 1-75 of the Illinois Power
10 Agency Act and Section 16-111.5 of the Public Utilities
11 Act that is determined to be confidential and proprietary
12 by the Illinois Power Agency or by the Illinois Commerce
13 Commission.

14 (z) Information about students exempted from
15 disclosure under Section 10-20.38 or 34-18.29 of the
16 School Code, and information about undergraduate students
17 enrolled at an institution of higher education exempted
18 from disclosure under Section 25 of the Illinois Credit
19 Card Marketing Act of 2009.

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

22 (bb) Records and information provided to a mortality
23 review team and records maintained by a mortality review
24 team appointed under the Department of Juvenile Justice
25 Mortality Review Team Act.

26 (cc) Information regarding interments, entombments, or

1 inurnments of human remains that are submitted to the
2 Cemetery Oversight Database under the Cemetery Care Act or
3 the Cemetery Oversight Act, whichever is applicable.

4 (dd) Correspondence and records (i) that may not be
5 disclosed under Section 11-9 of the Illinois Public Aid
6 Code or (ii) that pertain to appeals under Section 11-8 of
7 the Illinois Public Aid Code.

8 (ee) The names, addresses, or other personal
9 information of persons who are minors and are also
10 participants and registrants in programs of park
11 districts, forest preserve districts, conservation
12 districts, recreation agencies, and special recreation
13 associations.

14 (ff) The names, addresses, or other personal
15 information of participants and registrants in programs of
16 park districts, forest preserve districts, conservation
17 districts, recreation agencies, and special recreation
18 associations where such programs are targeted primarily to
19 minors.

20 (gg) Confidential information described in Section
21 1-100 of the Illinois Independent Tax Tribunal Act of
22 2012.

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

1 (ii) Records requested by persons committed to or
2 detained by the Department of Human Services under the
3 Sexually Violent Persons Commitment Act or committed to
4 the Department of Corrections under the Sexually Dangerous
5 Persons Act if those materials: (i) are available in the
6 library of the facility where the individual is confined;
7 (ii) include records from staff members' personnel files,
8 staff rosters, or other staffing assignment information;
9 or (iii) are available through an administrative request
10 to the Department of Human Services or the Department of
11 Corrections.

12 (jj) Confidential information described in Section
13 5-535 of the Civil Administrative Code of Illinois.

14 (kk) The public body's credit card numbers, debit card
15 numbers, bank account numbers, Federal Employer
16 Identification Number, security code numbers, passwords,
17 and similar account information, the disclosure of which
18 could result in identity theft or impression or defrauding
19 of a governmental entity or a person.

20 (ll) Records concerning the work of the threat
21 assessment team of a school district, including, but not
22 limited to, any threat assessment procedure under the
23 School Safety Drill Act and any information contained in
24 the procedure.

25 (mm) Information prohibited from being disclosed under
26 subsections (a) and (b) of Section 15 of the Student

1 Confidential Reporting Act.

2 (nn) Proprietary information submitted to the
3 Environmental Protection Agency under the Drug Take-Back
4 Act.

5 (oo) Records described in subsection (f) of Section
6 3-5-1 of the Unified Code of Corrections.

7 (pp) Any and all information regarding burials,
8 interments, or entombments of human remains as required to
9 be reported to the Department of Natural Resources
10 pursuant either to the Archaeological and Paleontological
11 Resources Protection Act or the Human Remains Protection
12 Act.

13 (qq) Reports described in subsection (e) of Section
14 16-15 of the Abortion Care Clinical Training Program Act.

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

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

1 "covered entity" in 45 CFR 160.103 and "protected health
2 information" has the meaning given to that term in 45 CFR
3 160.103.

4 (tt) Proposals or bids submitted by engineering
5 consultants in response to requests for proposal or other
6 competitive bidding requests by the Department of
7 Transportation or the Illinois Toll Highway Authority.

8 (1.5) Any information exempt from disclosure under the
9 Judicial Privacy Act shall be redacted from public records
10 prior to disclosure under this Act.

11 (2) A public record that is not in the possession of a
12 public body but is in the possession of a party with whom the
13 agency has contracted to perform a governmental function on
14 behalf of the public body, and that directly relates to the
15 governmental function and is not otherwise exempt under this
16 Act, shall be considered a public record of the public body,
17 for purposes of this Act.

18 (3) This Section does not authorize withholding of
19 information or limit the availability of records to the
20 public, except as stated in this Section or otherwise provided
21 in this Act.

22 (Source: P.A. 102-38, eff. 6-25-21; 102-558, eff. 8-20-21;
23 102-694, eff. 1-7-22; 102-752, eff. 5-6-22; 102-753, eff.
24 1-1-23; 102-776, eff. 1-1-23; 102-791, eff. 5-13-22; 102-982,
25 eff. 7-1-23; 102-1055, eff. 6-10-22; 103-154, eff. 6-30-23;
26 103-423, eff. 1-1-24; 103-446, eff. 8-4-23; 103-462, eff.

1 8-4-23; 103-540, eff. 1-1-24; 103-554, eff. 1-1-24; 103-605,
2 eff. 7-1-24; 103-865, eff. 1-1-25.)

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

5 (20 ILCS 3930/16 new)

6 Sec. 16. Public defense performance metrics, data
7 collection, analysis and public reporting.

8 (a) The State Public Defender Commission shall identify
9 and implement a system of performance metrics to assess the
10 provision of indigent defense services in this State relative
11 to the standards established by the Commission under Section
12 45 of the State Public Defender Act and national standards and
13 benchmarks to ensure the State of Illinois complies with its
14 obligations under the Sixth Amendment of the United States
15 Constitution.

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

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

1 and

2 (2) collect and receive from any department, division,
3 board, bureau, commission or other agency of the State, or
4 any political subdivision of the State or any public
5 authority, including but not limited to agencies of the
6 judicial branch, information and data including but not
7 limited to:

8 (A) the types of and numbers of matters in which
9 public defense services have been provided on an
10 annual basis in categories to be determined by the
11 Commission and in alignment with existing circuit
12 court data guidelines established by the
13 Administrative Office of the Illinois Courts;

14 (B) for each public defender agency and State's
15 Attorney's office:

16 (i) the number of administrators, attorneys,
17 and other staff who work at each agency, including
18 whether they are full-time or part-time and
19 whether they are employed or contracted; and the
20 salaries and other compensation paid to individual
21 administrators, attorneys and staff providing
22 public defender services;

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

26 (iii) the funds and in-kind resources spent on

1 an annual basis for office space, technology,
2 equipment and other fixed expenses;

3 (iv) the total numbers of matters, by
4 category, opened, disposed, and pending within
5 each annual period for each attorney and for the
6 agency in total;

7 (C) the criteria and procedures used to determine
8 whether a person is eligible to receive public
9 defender services, the number of persons considered
10 for and applicants denied such services, the reasons
11 for the denials, and the results of any review of such
12 denials; and

13 (D) the standards and criteria used by each county
14 to determine whether individual attorneys are
15 qualified to provide indigent legal services, and how
16 those standards and criteria compare to those set by
17 the Statewide Public Defense Commission.

18 (c) The Commission shall analyze and evaluate the
19 collected data, and undertake any necessary research and
20 studies, in order to consider and recommend measures to
21 enhance the provision of indigent legal services relative to
22 the standards established by the Commission under the State
23 Public Defender Act and national standards and benchmarks.

24 (d) The Commission shall provide a written report on the
25 performance metrics to the Governor, General Assembly, and
26 Illinois Supreme Court, no later than December 15 of each year

1 commencing in the calendar year following the effective date
2 of this amendatory Act of the 104th General Assembly. The
3 Commission shall publish the report on its website.

4 Section 100. The Counties Code is amended by changing
5 Sections 3-4000, 3-4000.1, 3-4001, 3-4002, 3-4003, 3-4004,
6 3-4004.1, 3-4004.2, 3-4005, 3-4007, 3-4008.1, 3-4009,
7 3-4010.1, and 3-4014 as follows:

8 (55 ILCS 5/3-4000) (from Ch. 34, par. 3-4000)

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

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

22 (55 ILCS 5/3-4000.1) (from Ch. 34, par. 3-4000.1)

23 Sec. 3-4000.1. Definitions. In this Division, except when

1 a particular context clearly requires a different meaning, the
2 following definitions apply:

3 "Board" means the county board of commissioners.

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

6 "Chief County Public Defender" means a county chief public
7 defender appointed to the office of public defender by one or
8 more counties under Section 3-4001, 3-4002, or 3-4003.

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

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

12 (55 ILCS 5/3-4001) (from Ch. 34, par. 3-4001)

13 Sec. 3-4001. Chief County Public Defender ~~defender~~ in
14 counties over 35,000. In each county of this State containing
15 35,000 or more inhabitants there is created the Office ~~office~~
16 of Public Defender and the person to be appointed to such
17 office shall be known as the Chief County Public Defender. No
18 person shall be eligible to ~~or~~ hold such office unless he is
19 duly licensed as an attorney ~~and counsellor-at-law~~ in this
20 State.

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

22 (55 ILCS 5/3-4002) (from Ch. 34, par. 3-4002)

23 Sec. 3-4002. Chief County Public Defender ~~defender~~ in
24 counties of less than 35,000. In each county of this State

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

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

8 (55 ILCS 5/3-4003) (from Ch. 34, par. 3-4003)

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

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

21 (55 ILCS 5/3-4004) (from Ch. 34, par. 3-4004)

22 Sec. 3-4004. Appointment of Chief County Public Defender
23 in counties under 3,000,000 ~~1,000,000~~. When a vacancy occurs
24 in the position of Chief County Public Defender in a county

1 with a population under 3,000,000, the Chief Judge of the
2 Circuit Court in which the county is located, or counties if
3 the Chief Public Defender serves in 2 or more counties, shall
4 notify the State Public Defender. The State Public Defender
5 shall convene and co-chair a Local Nominating Committee
6 composed of between 4 and 6 members. The second co-chair of the
7 committee shall be the Chief Judge or a Circuit Judge serving
8 as their designee. The State Public Defender and the Circuit
9 Judges shall each appoint one-half of the other committee
10 members, who shall be familiar with the practice of public
11 defense in the relevant county and judicial circuit, including
12 criminal defense or representation of clients under the
13 Juvenile Court Act of 1987, or both. Membership shall be
14 diverse, include a variety of public defense stakeholders, and
15 be free from interests that would pose a conflict with the
16 effective operation of the public defender office. Members may
17 include, but are not limited to, representatives from legal
18 professional associations, law schools, the public defense
19 community, the private defense bar, the judiciary, county
20 government, community organizations, and former public
21 defender clients and their family members. No person shall be
22 appointed to the Committee who, within the 2 years prior to
23 appointment, has received compensation to be a prosecutor or
24 law enforcement official, or who has served as an employee of
25 such a person. The Local Nominating Committee shall recommend
26 one or more candidates to the State Public Defender

1 Commission, whose members shall then appoint a properly
2 qualified Chief County Public Defender. Whenever a vacancy
3 occurs in the office it shall be 3 filled in the same manner,
4 ~~As soon as may be after this Division becomes applicable to a~~
5 ~~county with a population under 1,000,000, the judges of the~~
6 ~~Circuit Court of the circuit in which the county is located~~
7 ~~shall, by a majority vote of the entire number of those judges,~~
8 ~~appoint to the office of Public Defender a properly qualified~~
9 ~~person, who shall hold office, his death or resignation not~~
10 ~~intervening, at the pleasure of the judges competent to~~
11 ~~appoint. Whenever a vacancy occurs in the office it shall be~~
12 ~~filled in the same manner,~~ and the person appointed to fill the
13 vacancy shall have the same tenure of office.

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

15 (55 ILCS 5/3-4004.1) (from Ch. 34, par. 3-4004.1)

16 Sec. 3-4004.1. Appointment of Chief County Public Defender
17 in counties over 3,000,000 1,000,000. When a vacancy occurs in
18 the position of Chief County Public Defender in a county with a
19 population under 3,000,000, the President shall notify the
20 State Public Defender. The State Public Defender shall convene
21 and co-chair a Local Nominating Committee composed of between
22 4 and 6 members. The second co-chair of the committee shall be
23 the President or their designee. The State Public Defender and
24 the President shall each appoint one-half of the other
25 committee members, who shall be familiar with the practice of

1 public defense in the relevant county and judicial circuit,
2 including criminal defense or representation of clients under
3 the Juvenile Court Act of 1987, or both. Membership shall be
4 diverse, include a variety of public defense stakeholders, and
5 be free from interests that would pose a conflict with the
6 effective operation of the public defender office. Members may
7 include, but are not limited to, representatives from legal
8 professional associations, law schools, the public defense
9 community, the private defense bar, the judiciary, county
10 government, community organizations, and former public
11 defender clients and their family members. No person shall be
12 appointed to the Committee who, within the 2 years prior to
13 appointment, has received compensation to be a prosecutor or
14 law enforcement official, or who has served as an employee of
15 such a person. The Local Nominating Committee shall recommend
16 one or more candidates to the State Public Defender
17 Commission, whose members shall then appoint a properly
18 qualified Chief County Public Defender. ~~Whenever a vacancy~~
19 ~~shall occur in the position of Public Defender in counties~~
20 ~~over 1,000,000, a properly qualified person shall be appointed~~
21 ~~to the position by the President with the advice and consent of~~
22 ~~the Board.~~

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

24 (55 ILCS 5/3-4004.2) (from Ch. 34, par. 3-4004.2)

25 Sec. 3-4004.2. Qualifications of Chief County Public

1 Defender and terms of employment. In ~~in~~ counties with an
2 appointed Chief County Public Defender, ~~over 1,000,000. In~~
3 ~~counties with a population over 1,000,000,~~ the following
4 qualifications and terms of employment shall apply:

5 (a) The Chief County Public Defender shall be ~~The~~
6 ~~president shall select as Public Defender only a person~~
7 ~~with the following qualifications:~~ an attorney whose
8 practice of law has clearly demonstrated experience in the
9 representation of persons accused of crime; who has been
10 licensed to practice law in this State or in another state
11 for at least 5 years; who has had administrative
12 experience; and who is dedicated to the goals of providing
13 high quality representation for eligible persons and to
14 improving the quality of defense services generally.

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

18 (c) Once approved, the Chief County ~~The~~ Public
19 Defender ~~once approved by the Board~~ shall serve for 10 ~~6~~
20 years and may be removed ~~by the President~~ only for good
21 cause or dereliction of duty after notice and a hearing
22 before the State Public Defender Commission. At the
23 expiration of a term, the Chief County Public Defender may
24 be reappointed to one or more subsequent terms ~~Board.~~
25 Terms and qualifications apply to Chief County Public
26 Defenders appointed after the effective date of this

1 amendatory Act of the 104th General Assembly. ~~The~~
2 ~~effective date of this amendatory Act of 1991 shall be~~
3 ~~deemed the commencement of the term of the current public~~
4 ~~defender.~~

5 (d) (Blank). ~~The Public Defender's compensation shall~~
6 ~~be set at a level that is commensurate with his~~
7 ~~qualifications and experience and professionally~~
8 ~~appropriate with the responsibility of the position. The~~
9 ~~Public Defender's compensation shall be comparable with~~
10 ~~that paid to circuit court judges, but in no event shall be~~
11 ~~more than that of the State's Attorney of the county.~~

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

13 (55 ILCS 5/3-4005) (from Ch. 34, par. 3-4005)

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

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

21 (55 ILCS 5/3-4007) (from Ch. 34, par. 3-4007)

22 Sec. 3-4007. Compensation.

23 (a) The Chief County Public Defender ~~public defender~~ shall
24 be paid out of the county treasury, and, subject to

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

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

25 (c) In cases where 2 or more adjoining counties have
26 joined to form a common office of Public Defender or otherwise

1 collaborate under Section 3-4003, the salary of the Chief
2 County Public Defender shall be set and paid as provided by a
3 joint resolution of the various county boards involved.

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 Public
10 Defender shall deem necessary for the proper discharge of the
11 duties of the office, who shall serve at the pleasure of the
12 Chief County Public Defender. The Chief County Public Defender
13 shall also, in like manner, appoint clerks and other employees
14 necessary for the transaction of the business of the office.
15 The compensation of and the appropriate number of assistants,
16 clerks, and employees shall be fixed by the County Board and
17 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 (55 ILCS 5/3-4008 rep.)

13 (55 ILCS 5/3-4010 rep.)

14 (55 ILCS 5/3-4011 rep.)

15 (55 ILCS 5/3-4013 rep.)

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

18 Section 999. Effective date. This Act takes effect upon
19 becoming law.".