



Sen. Robert Peters

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LRB104 10367 RLC 26052 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 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.

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 "Chief County Public Defender" has the meaning ascribed to
6 it in 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 State Public Defender shall be appointed for a
11 6-year term under Section 45. The State Public Defender shall
12 adopt rules, instructions, and orders consistent with this
13 Act, further defining the organization of the Office of the
14 State Public Defender and the duties of the Office's
15 employees.

16 (c) Before submitting a budget request to the General
17 Assembly, the State Public Defender shall submit the budget
18 request to the State Public Defender Commission for approval.

19 (d) The State Public Defender may:

20 (1) provide representation in counties located within
21 its regional offices in addition to appointed counsel and
22 county public defenders;

23 (2) provide county public defenders with the
24 assistance of attorneys, expert witnesses, investigators,
25 administrative staff, and social service staff;

26 (3) provide training and other resources to county

1 public defenders;

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

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

14 (6) establish programs, alone or in conjunction with
15 law schools, for the purpose of using law students as
16 legal assistants;

17 (7) ensure access to a digital discovery storage
18 management system, case management software, and legal
19 research subscriptions for county public defenders, taking
20 into consideration compatibility with existing county and
21 State-based systems; and

22 (8) cooperate and consult with State and county
23 agencies, professional associations, and other groups
24 concerning the causes of criminal conduct, the
25 rehabilitation and support of persons charged with and
26 convicted of crime, the administration of criminal

1 justice, and the administration of juvenile delinquency
2 and dependency matters, including collaboration with other
3 court stakeholders to advocate for adequate funding of
4 court systems.

5 (e) The State Public Defender shall establish a
6 recruitment and retention plan to ensure a skilled and diverse
7 workforce is available to serve clients in every part of the
8 State, including establishing competitive salary scales.

9 (f) The State Public Defender shall establish and
10 supervise training programs for the State Public Defender's
11 employees.

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

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

26 (i) All required reports shall be simultaneously

1 transmitted to the Supreme Court and to the Governor.

2 Section 35. Office of State Public Defender organization.

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

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

1 defense services in the State and the types and numbers of
2 matters they are handling.

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

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

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

1 Defender.

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

19 (f) Immediately upon being appointed, the initial State
20 Public Defender shall establish a procedure for distributions
21 from the Public Defender Fund described under Section 3-4014
22 of the Counties Code.

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

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

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

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

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

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

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

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

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

1 evaluation of the impact of the provided funds within a
2 reasonable time frame established by the Office of State
3 Public Defender.

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

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

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

26 (j) Attorneys employed by the Office of the State Public

1 Defender shall devote full time to their duties, except as
2 provided in Section 50, and may not engage in the private
3 practice of law.

4 Section 40. State Public Defender Commission.

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

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

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

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

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

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

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

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

1 Senate;

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

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

9 All appointments shall be filed with the Secretary of
10 State by the appointing authority within 3 months of the
11 effective date of this Act and within 3 months of any
12 subsequent vacancy. The terms of the original members shall be
13 as follows: 5 members shall be appointed to 2-year terms and
14 until a successor is appointed and qualified and 6 members
15 shall be appointed to 4-year terms and until a successor is
16 appointed and qualified. Thereafter, all members shall be
17 appointed to 4-year terms and until a successor is appointed
18 and qualified. The chairperson, at the first meeting of the
19 Commission, shall conduct a drawing by lot to determine
20 whether each original member shall be appointed to a 2-year or
21 4-year term.

22 (b) Persons appointed to the Commission shall have
23 significant experience in the defense of indigent clients in
24 criminal or juvenile proceedings or shall have demonstrated a
25 strong commitment to quality representation in indigent
26 defense matters. No person shall be appointed to the

1 Commission who, within the 2 years prior to appointment, has
2 received compensation to be a judge, elected official,
3 judicial officer, prosecutor, or law enforcement official, or
4 who has served as an employee of such a person.

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

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

22 (e) The Commission shall approve the Office of State
23 Public Defender distribution of the Public Defender Fund under
24 Section 3-4014 of the Counties Code.

25 (f) Members of the Commission may receive a stipend upon
26 demonstrated need, based on a decision of the chairperson.

1 Members of the Commission shall receive reimbursement for
2 actual expenses incurred in the performance of the member's
3 duties.

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

5 (h) Records and proceedings of the Commission shall be
6 subject to the Open Meetings Act and Freedom of Information
7 Act.

8 Section 45. Powers and duties of the State Public Defender
9 Commission.

10 (a) The Commission shall appoint, by a vote of a majority
11 of its members, a State Public Defender for a 6-year term and
12 until the State Public Defender's successor is appointed and
13 qualified. The State Public Defender must be an attorney
14 licensed to practice law in this State and whose practice of
15 law has clearly demonstrated experience in the representation
16 of persons accused of crime; who has been licensed to practice
17 law in this State or in another state for at least 5 years; who
18 has had administrative experience; and who is dedicated to the
19 goals of providing high-quality representation for eligible
20 persons and to improving the quality of defense services
21 generally. The State Public Defender shall devote full time to
22 the duties of the Office of State Public Defender and may not
23 engage in the 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. As used in 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;

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

25 (iii) the funds and in-kind resources spent on
26 an annual basis for office space, technology,

1 equipment and other fixed expenses;

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

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

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

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

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

1 of this amendatory Act of the 104th General Assembly. The
2 Commission shall publish the report on its website.

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

7 (55 ILCS 5/3-4000) (from Ch. 34, par. 3-4000)

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

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

21 (55 ILCS 5/3-4000.1) (from Ch. 34, par. 3-4000.1)

22 Sec. 3-4000.1. Definitions. In this Division, except when
23 a particular context clearly requires a different meaning, the

1 following definitions apply:

2 "Board" means the county board of commissioners.

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

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

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

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

11 (55 ILCS 5/3-4001) (from Ch. 34, par. 3-4001)

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

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

21 (55 ILCS 5/3-4002) (from Ch. 34, par. 3-4002)

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

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

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

7 (55 ILCS 5/3-4003) (from Ch. 34, par. 3-4003)

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

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

20 (55 ILCS 5/3-4004) (from Ch. 34, par. 3-4004)

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

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

1 qualified Chief County Public Defender from the candidate or
2 candidates submitted. Whenever a vacancy occurs in the office,
3 it shall be filled in the same manner, ~~As soon as may be after~~
4 ~~this Division becomes applicable to a county with a population~~
5 ~~under 1,000,000, the judges of the Circuit Court of the~~
6 ~~circuit in which the county is located shall, by a majority~~
7 ~~vote of the entire number of those judges, appoint to the~~
8 ~~office of Public Defender a properly qualified person, who~~
9 ~~shall hold office, his death or resignation not intervening,~~
10 ~~at the pleasure of the judges competent to appoint. Whenever a~~
11 ~~vacancy occurs in the office it shall be filled in the same~~
12 ~~manner,~~ and the person appointed to fill the vacancy shall
13 begin a new 10-year term ~~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 over 3,000,000 ~~Whenever a vacancy shall occur in~~
20 ~~the position of Public Defender in counties over 1,000,000, a~~
21 properly qualified person shall be appointed to the position
22 by the President with the advice and consent of the Board.

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

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

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

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

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

19 (c) In counties over 3,000,000, the Chief County ~~The~~
20 Public Defender once approved by the Board shall serve for
21 6 years and may be removed by the President only for good
22 cause or dereliction of duty after notice and a hearing
23 before the Board. ~~The effective date of this amendatory~~
24 ~~Act of 1991 shall be deemed the commencement of the term of~~
25 ~~the current public defender.~~

26 (c-5) In counties under 3,000,000, once approved, the

1 Chief County Public Defender shall serve for 10 years and
2 may be removed only for good cause or dereliction of duty
3 after notice and a hearing before the State Public
4 Defender Commission.

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

15 (f) Terms and qualifications apply to Chief County
16 Public Defenders appointed after the effective date of
17 this amendatory Act of the 104th General Assembly. Removal
18 only for cause or dereliction of duty applies to all Chief
19 County Public Defenders serving on the effective date of
20 this amendatory Act of the 104th General Assembly.

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

22 (55 ILCS 5/3-4005) (from Ch. 34, par. 3-4005)

23 Sec. 3-4005. Oath of office. The person appointed as Chief
24 County Public Defender, before entering on the duties of his
25 office, shall take and subscribe an oath of office in writing

1 before one of the judges qualified to administer it ~~competent~~
2 ~~to appoint~~, which oath shall be filed in the office of the
3 County Clerk.

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

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

6 Sec. 3-4007. Compensation.

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

18 (b) ~~The State must pay 66 2/3% of the public defender's~~
19 ~~annual salary.~~ If the Chief County Public Defender ~~public~~
20 ~~defender~~ is employed full-time in that capacity, his or her
21 salary must be at least 95% ~~90%~~ of that county's State's
22 Attorney's ~~attorney's~~ annual compensation and will be eligible
23 for the same amount of State reimbursement as that county's
24 State's Attorney under Section 4-2001. State funding for
25 assistant public defenders must be at least equal to that for

1 Assistant State's Attorneys, including supplements for
2 counties housing certain State institutions as described
3 Section 4-2001. Subject to appropriation, these amounts
4 furnished by the State shall be payable monthly by the
5 Department of Revenue out of the Personal Property Tax
6 Replacement Fund or the General Revenue Fund to the county in
7 which each Chief County Public Defender is employed.

8 (c) In cases where 2 or more adjoining counties have
9 joined to form a common office of Public Defender or otherwise
10 collaborate under Section 3-4003, the salary of the Chief
11 County Public Defender shall be set and paid as provided by a
12 joint resolution of the various county boards involved and the
13 counties shall be entitled to the same State reimbursements
14 described in subsection (b).

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

16 (55 ILCS 5/3-4008.1) (from Ch. 34, par. 3-4008.1)

17 Sec. 3-4008.1. Assistant public defenders ~~Assistants in~~
18 ~~counties over 1,000,000.~~ The Chief County Public Defender ~~in~~
19 ~~counties with a population over 1,000,000~~ shall appoint
20 assistants, all duly licensed practitioners, as that Chief
21 County Public Defender shall deem necessary for the proper
22 discharge of the duties of the office, who shall serve at the
23 pleasure of the Chief County Public Defender. The Chief County
24 Public Defender shall also, in like manner, appoint clerks and
25 other employees necessary for the transaction of the business

1 of the office. The compensation of and the appropriate number
2 of assistants, clerks, and employees shall be fixed by the
3 County Board and paid out of the county treasury.

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

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

6 Sec. 3-4009. Office quarters; expenses. ~~The County Boards~~
7 ~~Board~~ shall provide suitable office quarters for the use of
8 the Chief County Public Defender and other public defender
9 office employees, and shall pay out of the county treasury for
10 necessary office, travel and other expenses incurred in the
11 defense of cases, including, but not limited to, social
12 workers, investigators, expert witnesses, mitigators, and
13 administrative staff. ~~In counties of less than 500,000~~
14 ~~population, such payment shall be made after the circuit court~~
15 ~~of the county approves such expenses as being necessary and~~
16 ~~proper~~. In cases where 2 or more adjoining counties have
17 joined to form a common office of Public Defender or otherwise
18 collaborate under Section 3-4003, the expenses incurred under
19 this Section shall be paid as provided for in a joint
20 resolution of the various county boards involved.

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

22 (55 ILCS 5/3-4010.1) (from Ch. 34, par. 3-4010.1)

23 Sec. 3-4010.1. Records; reports ~~in counties over~~
24 ~~1,000,000~~. The Chief County Public Defender ~~public defender~~ in

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

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

11 (55 ILCS 5/3-4014)

12 Sec. 3-4014. Public Defender Fund.

13 (a) (Blank).

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

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

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

1 (745 ILCS 19/5)

2 Sec. 5. Immunity. No state or county public defender,
3 assistant state or county public defender, appellate defender,
4 or assistant appellate defender, acting within the scope of
5 his or her employment or contract, nor any person or entity
6 employing, supervising, assisting, or contracting for the
7 services of a state or county public defender, assistant state
8 or county public defender, appellate defender, or assistant
9 appellate defender, is liable for any damages in tort,
10 contract, or otherwise, in which the plaintiff seeks damages
11 by reason of legal or professional malpractice, except for
12 willful and wanton misconduct.

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

14 (55 ILCS 5/3-4008 rep.)

15 (55 ILCS 5/3-4010 rep.)

16 (55 ILCS 5/3-4011 rep.)

17 (55 ILCS 5/3-4013 rep.)

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

20 Section 999. Effective date. This Act takes effect upon
21 becoming law."