



Sen. Robert Peters

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LRB104 10367 RLC 26839 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 initial State Public Defender shall be appointed
11 for a 2-year term by a majority vote of the Illinois Supreme
12 Court. Each subsequent State Public Defender shall be
13 appointed for a 6-year term under Section 45. The State Public
14 Defender shall adopt rules, instructions, and orders
15 consistent with this Act, further defining the organization of
16 the Office of the State Public Defender and the duties of the
17 Office's employees.

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

21 (d) The State Public Defender may:

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

25 (2) provide county public defenders with the
26 assistance of attorneys, expert witnesses, investigators,

1 administrative staff, and social service staff;

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

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

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

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

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

24 (8) cooperate and consult with State and county
25 agencies, professional associations, and other groups
26 concerning the causes of criminal conduct, the

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

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

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

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

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

1 under paragraph (t) of Section 7 of the State Library Act.

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

4 Section 35. Office of State Public Defender organization.

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

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

1 the State Public Defender shall initiate a survey to determine
2 the number of employees and contractors providing public
3 defense services in the State and the types and numbers of
4 matters they are handling.

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

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

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

1 unable to serve in their position, the State Public Defender
2 is authorized to appoint an Acting Chief County Public
3 Defender.

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

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

25 (1) The purpose of the Public Defender Fund is to
26 supplement, not supplant, county public defense budgets

1 and to aid county public defenders in providing effective
2 assistance of counsel to their clients.

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

7 (3) Appropriate uses of funds include, but are not
8 limited to:

9 (A) hiring investigators, social workers, or
10 mental health clinicians;

11 (B) increasing compensation for attorney and
12 non-attorney employees;

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

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

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

26 (5) County public defender offices shall provide the

1 Office of State Public Defender with a report including a
2 detailed accounting of the provided funds and an
3 evaluation of the impact of the provided funds within a
4 reasonable time frame established by the Office of State
5 Public Defender.

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

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

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

1 described in subsection (h).

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

6 Section 40. State Public Defender Commission.

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

10 (1) two members appointed by the Governor;

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

12 (3) one member appointed by the Speaker of the House
13 of Representatives;

14 (4) one member appointed by the Minority Leader of the
15 House of Representatives;

16 (5) one member appointed by the President of the
17 Senate;

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

20 (7) one member appointed by the Governor representing
21 community-based organizations that support the success of
22 people impacted by the criminal or juvenile delinquency
23 and dependency legal systems; and

24 (8) one member appointed by the Governor representing
25 organizations advocating for civil rights or criminal or

1 juvenile delinquency or dependency legal system reform.

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

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

24 (c) No member may serve more than 2 full 4-year terms.
25 Vacancies in the membership of the Commission are to be filled
26 in the same manner as original appointments. A vacancy shall

1 be declared upon any member missing 3 or more meetings in a row
2 unless the chairperson finds there was good cause for the
3 absences. Appointments to fill vacancies occurring before the
4 expiration of a term are for the remainder of the unexpired
5 term.

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

15 (e) The Commission shall approve the Office of State
16 Public Defender distribution of the Public Defender Fund under
17 Section 3-4014 of the Counties Code.

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

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

24 (h) Records and proceedings of the Commission shall be
25 subject to the Open Meetings Act and Freedom of Information
26 Act.

1 Section 45. Powers and duties of the State Public Defender
2 Commission.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (5 ILCS 140/7)

23 Sec. 7. Exemptions.

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

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

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

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

1 or a court order.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (g) Trade secrets and commercial or financial

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 an applicant for a license or employment.

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

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

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

1 law.

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

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

20 (w) (Blank).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (pp) Any and all information regarding burials,

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

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

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

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

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

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

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

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

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

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

24 (20 ILCS 3930/16 new)

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

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

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

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

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

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

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

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

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

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

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

25 (C) the criteria and procedures used to determine
26 whether a person is eligible to receive public

1 defender services, the number of persons considered
2 for and applicants denied such services, the reasons
3 for the denials, and the results of any review of such
4 denials; and

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

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

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

22 Section 100. The Counties Code is amended by changing
23 Sections 3-4000, 3-4000.1, 3-4001, 3-4002, 3-4003, 3-4004,
24 3-4004.1, 3-4004.2, 3-4005, 3-4007, 3-4008.1, 3-4009,
25 3-4010.1, and 3-4014 as follows:

1 (55 ILCS 5/3-4000) (from Ch. 34, par. 3-4000)

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

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

15 (55 ILCS 5/3-4000.1) (from Ch. 34, par. 3-4000.1)

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

19 "Board" means the county board of commissioners.

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

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

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

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

4 (55 ILCS 5/3-4001) (from Ch. 34, par. 3-4001)

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

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

14 (55 ILCS 5/3-4002) (from Ch. 34, par. 3-4002)

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

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

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

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

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

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

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

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

1 ~~office of Public Defender a properly qualified person, who~~
2 ~~shall hold office, his death or resignation not intervening,~~
3 ~~at the pleasure of the judges competent to appoint. Whenever a~~
4 ~~vacancy occurs in the office it shall be filled in the same~~
5 ~~manner,~~ and the person appointed to fill the vacancy shall
6 begin a new 10-year term ~~have the same tenure of office.~~

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

8 (55 ILCS 5/3-4004.1) (from Ch. 34, par. 3-4004.1)

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

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

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

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

23 (a) The Chief County Public Defender shall be ~~The~~
24 ~~president shall select as Public Defender only a person~~

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

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

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

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

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

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

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

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

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

15 (55 ILCS 5/3-4005) (from Ch. 34, par. 3-4005)

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

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

23 (55 ILCS 5/3-4007) (from Ch. 34, par. 3-4007)

24 Sec. 3-4007. Compensation.

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

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

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

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

9 (55 ILCS 5/3-4008.1) (from Ch. 34, par. 3-4008.1)

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

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

23 (55 ILCS 5/3-4009) (from Ch. 34, par. 3-4009)

24 Sec. 3-4009. Office quarters; expenses. ~~The County~~ Boards

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

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

16 (55 ILCS 5/3-4010.1) (from Ch. 34, par. 3-4010.1)

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

1 or her quarterly report with each of the several county boards
2 involved.

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

4 (55 ILCS 5/3-4014)

5 Sec. 3-4014. Public Defender Fund.

6 (a) (Blank).

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

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

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

17 (745 ILCS 19/5)

18 Sec. 5. Immunity. No state or county public defender,
19 assistant state or county public defender, appellate defender,
20 or assistant appellate defender, acting within the scope of
21 his or her employment or contract, nor any person or entity
22 employing, supervising, assisting, or contracting for the
23 services of a state or county public defender, assistant state

1 or county public defender, appellate defender, or assistant
2 appellate defender, is liable for any damages in tort,
3 contract, or otherwise, in which the plaintiff seeks damages
4 by reason of legal or professional malpractice, except for
5 willful and wanton misconduct.

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

7 (55 ILCS 5/3-4008 rep.)

8 (55 ILCS 5/3-4010 rep.)

9 (55 ILCS 5/3-4011 rep.)

10 (55 ILCS 5/3-4013 rep.)

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

13 Section 999. Effective date. This Act takes effect upon
14 becoming law.".