



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4832

by Rep. Maurice A. West, II

SYNOPSIS AS INTRODUCED:

55 ILCS 5/4-2001

from Ch. 34, par. 4-2001

Amends the Counties Code. Provides that, beginning July 1, 2026, each State's Attorney whose term begins after July 1, 2026 shall be compensated at the rate of 100% of the mean of the amount paid to the resident circuit judges in the county courthouse for the State's Attorney.. Provides that the State shall furnish 66 2/3% of the total annual compensation to be paid to each State's Attorney in the State based on the salary in effect on December 31, 1988, and 100% of the increases in salary taking effect after December 31, 1988. Provides that the amount shall be paid from the Personal Property Tax Replacement Fund. Provides that the county shall be responsible for the State and federal income tax reporting and withholding and the employer contributions under the Illinois Pension Code.

LRB104 19292 RTM 32738 b

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Counties Code is amended by changing
5 Section 4-2001 as follows:

6 (55 ILCS 5/4-2001) (from Ch. 34, par. 4-2001)

7 Sec. 4-2001. State's attorney salaries.

8 (a) There shall be allowed to the several state's
9 attorneys in this State, except the state's attorney of Cook
10 County, the following annual salary:

11 (1) Subject to paragraph (5), to each state's attorney
12 in counties containing less than 10,000 inhabitants,
13 \$40,500 until December 31, 1988, \$45,500 until June 30,
14 1994, and \$55,500 thereafter or as set by the Compensation
15 Review Board, whichever is greater.

16 (2) Subject to paragraph (5), to each state's attorney
17 in counties containing 10,000 or more inhabitants but less
18 than 20,000 inhabitants, \$46,500 until December 31, 1988,
19 \$61,500 until June 30, 1994, and \$71,500 thereafter or as
20 set by the Compensation Review Board, whichever is
21 greater.

22 (3) Subject to paragraph (5), to each state's attorney
23 in counties containing 20,000 or more but less than 30,000

1 inhabitants, \$51,000 until December 31, 1988, \$65,000
2 until June 30, 1994, and \$75,000 thereafter or as set by
3 the Compensation Review Board, whichever is greater.

4 (4) To each state's attorney in counties of 30,000 or
5 more inhabitants, \$65,500 until December 31, 1988, \$80,000
6 until June 30, 1994, and \$96,837 thereafter or as set by
7 the Compensation Review Board, whichever is greater.

8 (5) Effective December 1, 2000, to each state's
9 attorney in counties containing fewer than 30,000
10 inhabitants, the same salary plus any cost of living
11 adjustments as authorized by the Compensation Review Board
12 to take effect after January 1, 1999, for state's
13 attorneys in counties containing 20,000 or more but fewer
14 than 30,000 inhabitants, or as set by the Compensation
15 Review Board whichever is greater.

16 The State shall furnish 66 2/3% of the total annual
17 compensation to be paid to each state's attorney in Illinois
18 based on the salary in effect on December 31, 1988, and 100% of
19 the increases in salary taking effect after December 31, 1988.

20 Subject to appropriation, said amounts furnished by the
21 State shall be payable monthly by the Department of Revenue
22 out of the Personal Property Tax Replacement Fund or the
23 General Revenue Fund to the county in which each state's
24 attorney is elected.

25 Each county shall be required to furnish 33 1/3% of the
26 total annual compensation to be paid to each state's attorney

1 in Illinois based on the salary in effect on December 31, 1988.

2 Within 90 days after the effective date of this
3 amendatory Act of the 96th General Assembly, the county board
4 of any county with a population between 15,000 and 50,000 by
5 resolution or ordinance may increase the amount of
6 compensation to be paid to each eligible state's attorney in
7 their county in the form of a longevity stipend which shall be
8 added to and become part of the salary of the state's attorney
9 for that year. To be eligible, the state's attorney must have
10 served in the elected position for at least 20 continuous
11 years and elect to participate in a program for an alternative
12 annuity for county officers and make the required additional
13 optional contributions as authorized by P.A. 90-32.

14 (b) Effective December 1, 2000, no state's attorney may
15 engage in the private practice of law. However, until November
16 30, 2000, (i) the state's attorneys in counties containing
17 fewer than 10,000 inhabitants may engage in the practice of
18 law, and (ii) in any county between 10,000 and 30,000
19 inhabitants or in any county containing 30,000 or more
20 inhabitants which reached that population between 1970 and
21 December 31, 1981, the state's attorney may declare his or her
22 intention to engage in the private practice of law, and may do
23 so through no later than November 30, 2000, by filing a written
24 declaration of intent to engage in the private practice of law
25 with the county clerk. The declaration of intention shall be
26 irrevocable during the remainder of the term of office. The

1 declaration shall be filed with the county clerk within 30
2 days of certification of election or appointment, or within 60
3 days of March 15, 1989, whichever is later. In that event the
4 annual salary of such state's attorney shall be as follows:

5 (1) In counties containing 10,000 or more inhabitants
6 but less than 20,000 inhabitants, \$46,500 until December
7 31, 1988, \$51,500 until June 30, 1994, and \$61,500
8 thereafter or as set by the Compensation Review Board,
9 whichever is greater. The State shall furnish 100% of the
10 increases taking effect after December 31, 1988.

11 (2) In counties containing 20,000 or more inhabitants
12 but less than 30,000 inhabitants, and in counties
13 containing 30,000 or more inhabitants which reached said
14 population between 1970 and December 31, 1981, \$51,500
15 until December 31, 1988, \$56,000 until June 30, 1994, and
16 \$65,000 thereafter or as set by the Compensation Review
17 Board, whichever is greater. The State shall furnish 100%
18 of the increases taking effect after December 31, 1988.

19 (c) In counties where a state mental health institution,
20 as hereinafter defined, is located, one assistant state's
21 attorney shall, subject to appropriation, receive for his
22 services, payable monthly by the Department of Revenue out of
23 the Personal Property Tax Replacement Fund or the General
24 Revenue Fund to the county in which he is appointed, the
25 following:

26 (1) To each assistant state's attorney in counties

1 containing less than 10,000 inhabitants, the sum of \$2,500
2 per annum;

3 (2) To each assistant state's attorney in counties
4 containing not less than 10,000 inhabitants and not more
5 than 20,000 inhabitants, the sum of \$3,500 per annum;

6 (3) To each assistant state's attorney in counties
7 containing not less than 20,000 inhabitants and not more
8 than 30,000 inhabitants, the sum of \$4,000 per annum;

9 (4) To each assistant state's attorney in counties
10 containing not less than 30,000 inhabitants and not more
11 than 40,000 inhabitants, the sum of \$4,500 per annum;

12 (5) To each assistant state's attorney in counties
13 containing not less than 40,000 inhabitants and not more
14 than 70,000 inhabitants, the sum of \$5,000 per annum;

15 (6) To each assistant state's attorney in counties
16 containing not less than 70,000 inhabitants and not more
17 than 1,000,000 inhabitants, the sum of \$6,000 per annum.

18 (d) The population of all counties for the purpose of
19 fixing salaries as herein provided shall be based upon the
20 last Federal census immediately previous to the appointment of
21 an assistant state's attorney in each county.

22 (e) At the request of the county governing authority, in
23 counties where one or more state correctional institutions, as
24 hereinafter defined, are located, one or more assistant
25 state's attorneys shall, subject to appropriation, receive for
26 their services, provided that such services are performed in

1 connection with the state correctional institution, payable
2 monthly by the Department of Revenue out of the Personal
3 Property Tax Replacement Fund or the General Revenue Fund to
4 the county in which they are appointed, the following:

5 (1) \$22,000 for each assistant state's attorney in
6 counties with one or more State correctional institutions
7 with a total average daily inmate population in excess of
8 2,000, on the basis of 2 assistant state's attorneys when
9 the total average daily inmate population exceeds 2,000
10 but is less than 4,000; and 3 assistant state's attorneys
11 when such population exceeds 4,000; with reimbursement to
12 be based on actual services rendered.

13 (2) \$15,000 per year for one assistant state's
14 attorney in counties having one or more correctional
15 institutions with a total average daily inmate population
16 of between 750 and 2,000 inmates, with reimbursement to be
17 based on actual services rendered.

18 (3) A maximum of \$12,000 per year for one assistant
19 state's attorney in counties having less than 750 inmates,
20 with reimbursement to be based on actual services
21 rendered.

22 Upon application of the county governing authority and
23 certification of the State's Attorney, the Director of
24 Corrections may, in his discretion and subject to
25 appropriation, increase the amount of salary reimbursement
26 to a county in the event special circumstances require the

1 county to incur extraordinary salary expenditures as a
2 result of services performed in connection with State
3 correctional institutions in that county.

4 In determining whether or not to increase the amount of
5 salary reimbursement, the Director shall consider, among other
6 matters:

7 (1) the nature of the services rendered;

8 (2) the results or dispositions obtained;

9 (3) whether or not the county was required to employ
10 additional attorney personnel as a direct result of the
11 services actually rendered in connection with a particular
12 service to a State correctional institution.

13 (f) In counties where a State senior institution of higher
14 education is located, the assistant state's attorneys
15 specified by this Section shall, subject to appropriation,
16 receive for their services, payable monthly by the Department
17 of Revenue out of the Personal Property Tax Replacement Fund
18 or the General Revenue Fund to the county in which appointed,
19 the following:

20 (1) \$14,000 per year each for employment on a full
21 time basis for 2 assistant state's attorneys in counties
22 having a State university or State universities with
23 combined full time enrollment of more than 15,000
24 students.

25 (2) \$7,200 per year for one assistant state's attorney
26 with no limitation on other practice in counties having a

1 State university or State universities with combined full
2 time enrollment of 10,000 to 15,000 students.

3 (3) \$4,000 per year for one assistant state's attorney
4 with no limitation on other practice in counties having a
5 State university or State universities with combined full
6 time enrollment of less than 10,000 students.

7 Such salaries shall be paid to the state's attorney and
8 the assistant state's attorney in equal monthly installments
9 by such county out of the county treasury provided that,
10 subject to appropriation, the Department of Revenue shall
11 reimburse each county monthly, out of the Personal Property
12 Tax Replacement Fund or the General Revenue Fund, the amount
13 of such salary. This Section shall not prevent the payment of
14 such additional compensation to the state's attorney or
15 assistant state's attorney of any county, out of the treasury
16 of that county as may be provided by law.

17 (g) For purposes of this Section, "State mental health
18 institution" means any institution under the jurisdiction of
19 the Department of Human Services that is listed in Section 4 of
20 the Mental Health and Developmental Disabilities
21 Administrative Act.

22 For purposes of this Section, "State correctional
23 institution" means any facility of the Department of
24 Corrections including adult facilities, juvenile facilities,
25 pre-release centers, community correction centers, and work
26 camps.

1 For purposes of this Section, "State university" means the
2 University of Illinois, Southern Illinois University, Chicago
3 State University, Eastern Illinois University, Governors State
4 University, Illinois State University, Northeastern Illinois
5 University, Northern Illinois University, Western Illinois
6 University, and any public community college which has
7 established a program of interinstitutional cooperation with
8 one of the foregoing institutions whereby a student, after
9 earning an associate degree from the community college,
10 pursues a course of study at the community college campus
11 leading to a baccalaureate degree from the foregoing
12 institution (also known as a "2 Plus 2" degree program).

13 (h) A number of assistant state's attorneys shall be
14 appointed in each county that chooses to participate, as
15 provided in this subsection, for the prosecution of
16 alcohol-related traffic offenses. Each county shall receive
17 monthly a subsidy for payment of the salaries and benefits of
18 these assistant state's attorneys from State funds
19 appropriated to the Department of Revenue out of the Personal
20 Property Tax Replacement Fund or the General Revenue Fund for
21 that purpose. The amounts of subsidies provided by this
22 subsection shall be adjusted for inflation each July 1 using
23 the Consumer Price Index of the Bureau of Labor Statistics of
24 the U.S. Department of Labor.

25 When a county chooses to participate in the subsidy
26 program described in this subsection (h), the number of

1 assistant state's attorneys who are prosecuting
2 alcohol-related traffic offenses must increase according to
3 the subsidy provided in this subsection. These appointed
4 assistant state's attorneys shall be in addition to any other
5 assistant state's attorneys assigned to those cases on the
6 effective date of this amendatory Act of the 91st General
7 Assembly, and may not replace those assistant state's
8 attorneys. In counties where the state's attorney is the sole
9 prosecutor, this subsidy shall be used to provide an assistant
10 state's attorney to prosecute alcohol-related traffic offenses
11 along with the state's attorney. In counties where the state's
12 attorney is the sole prosecutor, and in counties where a judge
13 presides over cases involving a variety of misdemeanors,
14 including alcohol-related traffic matters, assistant state's
15 attorneys appointed and subsidized by this subsection (h) may
16 also prosecute the different misdemeanor cases at the
17 direction of the state's attorney.

18 Assistant state's attorneys shall be appointed under this
19 subsection in the following number and counties shall receive
20 the following annual subsidies:

21 (1) In counties with fewer than 30,000 inhabitants,
22 one at \$35,000.

23 (2) In counties with 30,000 or more but fewer than
24 100,000 inhabitants, one at \$45,000.

25 (3) In counties with 100,000 or more but fewer than
26 300,000 inhabitants, 2 at \$45,000 each.

1 (4) In counties, other than Cook County, with 300,000
2 or more inhabitants, 4 at \$50,000 each.

3 The amounts appropriated under this Section must be
4 segregated by population classification and disbursed monthly.

5 If in any year the amount appropriated for the purposes of
6 this subsection (h) is insufficient to pay all of the
7 subsidies specified in this subsection, the amount
8 appropriated shall first be prorated by the population
9 classifications of this subsection (h) and then among the
10 counties choosing to participate within each of those
11 classifications. If any of the appropriated moneys for each
12 population classification remain at the end of a fiscal year,
13 the remainder of the moneys may be allocated to participating
14 counties that were not fully funded during the course of the
15 year. Nothing in this subsection prohibits 2 or more State's
16 attorneys from combining their subsidies to appoint a joint
17 assistant State's attorney to prosecute alcohol-related
18 traffic offenses in multiple counties. Nothing in this
19 subsection prohibits a State's attorney from appointing an
20 assistant State's attorney by contract or otherwise.

21 (i) Notwithstanding any other provision of this Section,
22 beginning July 1, 2026, each State's Attorney whose term
23 begins after July 1, 2026 shall be compensated at the rate of
24 100% of the mean of the amount paid to the resident circuit
25 judges in the county courthouse for the State's Attorney. The
26 amount shall be calculated on July 1 of each calendar year,

1 thereafter. The State shall furnish 66 2/3% of the total
2 annual compensation to be paid to each State's Attorney in the
3 State based on the salary in effect on December 31, 1988, and
4 100% of the increases in salary taking effect after December
5 31, 1988. The amount shall be paid from the Personal Property
6 Tax Replacement Fund. The moneys shall be deposited by the
7 county treasurer into a fund dedicated for that purpose. The
8 county shall be responsible for the State and federal income
9 tax reporting and withholding and the employer contributions
10 under the Illinois Pension Code on the moneys received under
11 this subsection.

12 (Source: P.A. 96-259, eff. 8-11-09; 97-72, eff. 7-1-11.)