



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB1991

Introduced 2/6/2025, by Sen. Mary Edly-Allen

SYNOPSIS AS INTRODUCED:

New Act
55 ILCS 5/3-9005

from Ch. 34, par. 3-9005

Creates the Victim Centered Approach Pilot Program Act. Provides that the Lake County State's Attorney shall develop a program to represent noncitizen victims of violent crimes in the filing of victim remedies before the United States Citizenship and Immigration Services Office administrative body. Provides that the Lake County State's Attorney shall use any funding provided to the pilot program to represent or give counsel to 50 noncitizen victims annually for the next 5 years who were victimized by violent crimes in Lake County. Provides that the to be eligible for assistance under the program, an individual must: (1) be a noncitizen victim, who has never been placed in removal proceedings; (2) have suffered a violent crime in Lake County; and (3) not be barred from the immigration remedies before the administrative body. Amends the Counties Code. Provides that, in counties with a population of more than 500,000, a State's Attorney may act, without fee or appointment, as an attorney to a noncitizen victim in an immigration case only if the noncitizen victim was victimized within the county the State's Attorney serves and is located within the geographic boundaries of the county served by the State's Attorney.

LRB104 12156 RTM 22256 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 1. This Act may be cited as the Victim Centered
5 Approach Pilot Program Act.

6 Section 5. Findings and purpose. The purpose of the victim
7 centered approach pilot program is to address significant
8 barriers to noncitizen victims who are victimized in the
9 county who can't afford counsel for the filing of an
10 immigration remedy before the administrative body. The program
11 aims to provide free immigration counsel and representation to
12 victims for the next 5 years. Lack of affordable attorneys and
13 qualified organizations create a barrier for victims who are
14 already suffering from a crime of violence and this program
15 supports victims on their path to safety. The program shall
16 provide funding to the office of the Lake County State's
17 Attorney to create a victim focused legal service where
18 State's Attorney may act, without fee or appointment, as an
19 attorney to a noncitizen victim who experienced victimization
20 in the geographic boundaries of the circuit court for the
21 county served by the State's Attorney. The victim centered
22 approach pilot program empowers survivors by providing them
23 with immediate legal services that will put them on a path to

1 legal status which is often delayed due to lack of funding or
2 resources. This approach, even though lengthy, starts the
3 survivor's ability to stabilize the survivor's situation and
4 the survivor's family's situation economically or emotionally.
5 Thus, fostering resilience and enhanced quality of life after
6 undergoing a violent crime.

7 Section 10. State's Attorney victim centered approach
8 pilot program.

9 (a) The Lake County State's Attorney shall develop a
10 program to represent noncitizen victims of violent crimes in
11 the filing of victim remedies before the United States
12 Citizenship and Immigration Services Office administrative
13 body. The Lake County State's Attorney shall use any funding
14 provided to the pilot program to represent or give counsel to
15 50 noncitizen victims annually for the next 5 years who were
16 victimized by violent crimes in Lake County. To be eligible
17 for assistance under the program, an individual must:

18 (1) be a noncitizen victim, who has never been placed
19 in removal proceedings;

20 (2) have suffered a violent crime in Lake County; and

21 (3) not be barred from the immigration remedies before
22 the administrative body.

23 (b) The assistance provided by the Pilot Program includes
24 immigration representation of the noncitizen victim before the
25 administrative body for a victim remedy.

1 Section 15. The Counties Code is amended by changing
2 Section 3-9005 as follows:

3 (55 ILCS 5/3-9005) (from Ch. 34, par. 3-9005)

4 Sec. 3-9005. Powers and duties of State's Attorney.

5 (a) The duty of each State's Attorney shall be:

6 (1) To commence and prosecute all actions, suits,
7 indictments and prosecutions, civil and criminal, in the
8 circuit court for the county, in which the people of the
9 State or county may be concerned.

10 (2) To prosecute all forfeited bonds and
11 recognizances, and all actions and proceedings for the
12 recovery of debts, revenues, moneys, fines, penalties and
13 forfeitures accruing to the State or the county, or to any
14 school district or road district in the county; also, to
15 prosecute all suits in the county against railroad or
16 transportation companies, which may be prosecuted in the
17 name of the People of the State of Illinois.

18 (3) To commence and prosecute all actions and
19 proceedings brought by any county officer in the county
20 officer's official capacity.

21 (4) To defend all actions and proceedings brought
22 against the county, or against any county or State
23 officer, in the county or State officer's official
24 capacity, within the county.

1 (5) To attend the examination of all persons brought
2 before any judge on habeas corpus, when the prosecution is
3 in the county.

4 (6) To attend before judges and prosecute charges of
5 felony or misdemeanor, for which the offender is required
6 to be recognized to appear before the circuit court, when
7 in the State's Attorney's power so to do.

8 (7) To give the State's Attorney's opinion, without
9 fee or reward, to any county officer in the county, upon
10 any question or law relating to any criminal or other
11 matter, in which the people or the county may be
12 concerned.

13 (8) To assist the Attorney General whenever it may be
14 necessary, and in cases of appeal from the county to the
15 Supreme Court, to which it is the duty of the Attorney
16 General to attend, the State's Attorney shall furnish the
17 Attorney General at least 10 days before such is due to be
18 filed, a manuscript of a proposed statement, brief and
19 argument to be printed and filed on behalf of the people,
20 prepared in accordance with the rules of the Supreme
21 Court. However, if such brief, argument or other document
22 is due to be filed by law or order of court within this
23 10-day period, then the State's Attorney shall furnish
24 such as soon as may be reasonable.

25 (9) To pay all moneys received by the State's Attorney
26 in trust, without delay, to the officer who by law is

1 entitled to the custody thereof.

2 (10) To notify, by first class mail, complaining
3 witnesses of the ultimate disposition of the cases arising
4 from an indictment or an information.

5 (11) To perform such other and further duties as may,
6 from time to time, be enjoined on the State's Attorney by
7 law.

8 (12) To appear in all proceedings by collectors of
9 taxes against delinquent taxpayers for judgments to sell
10 real estate, and see that all the necessary preliminary
11 steps have been legally taken to make the judgment legal
12 and binding.

13 (13) To notify, by first-class mail, the State
14 Superintendent of Education, the applicable regional
15 superintendent of schools, and the superintendent of the
16 employing school district or the chief school
17 administrator of the employing nonpublic school, if any,
18 upon the conviction of any individual known to possess a
19 certificate or license issued pursuant to Article 21 or
20 21B, respectively, of the School Code of any offense set
21 forth in Section 21B-80 of the School Code or any other
22 felony conviction, providing the name of the certificate
23 holder, the fact of the conviction, and the name and
24 location of the court where the conviction occurred. The
25 certificate holder must also be contemporaneously sent a
26 copy of the notice.

1 (b) The State's Attorney of each county shall have
2 authority to appoint one or more special investigators to
3 serve subpoenas and summonses, make return of process, and
4 conduct investigations which assist the State's Attorney in
5 the performance of the State's Attorney duties. In counties of
6 the first and second class, the fees for service of subpoenas
7 and summonses are allowed by this Section and shall be
8 consistent with those set forth in Section 4-5001 of this Act,
9 except when increased by county ordinance as provided for in
10 Section 4-5001. In counties of the third class, the fees for
11 service of subpoenas and summonses are allowed by this Section
12 and shall be consistent with those set forth in Section
13 4-12001 of this Act. A special investigator shall not carry
14 firearms except with permission of the State's Attorney and
15 only while carrying appropriate identification indicating the
16 special investigator's employment and in the performance of
17 the special investigator's assigned duties.

18 Subject to the qualifications set forth in this
19 subsection, special investigators shall be peace officers and
20 shall have all the powers possessed by investigators under the
21 State's Attorneys Appellate Prosecutor's Act.

22 No special investigator employed by the State's Attorney
23 shall have peace officer status or exercise police powers
24 unless the special investigator successfully completes the
25 basic police training course mandated and approved by the
26 Illinois Law Enforcement Training Standards Board or such

1 board waives the training requirement by reason of the special
2 investigator's prior law enforcement experience or training or
3 both. Any State's Attorney appointing a special investigator
4 shall consult with all affected local police agencies, to the
5 extent consistent with the public interest, if the special
6 investigator is assigned to areas within that agency's
7 jurisdiction.

8 Before a person is appointed as a special investigator,
9 the person's fingerprints shall be taken and transmitted to
10 the Department of State Police. The Department shall examine
11 its records and submit to the State's Attorney of the county in
12 which the investigator seeks appointment any conviction
13 information concerning the person on file with the Department.
14 No person shall be appointed as a special investigator if the
15 person has been convicted of a felony or other offense
16 involving moral turpitude. A special investigator shall be
17 paid a salary and be reimbursed for actual expenses incurred
18 in performing the special investigator's assigned duties. The
19 county board shall approve the salary and actual expenses and
20 appropriate the salary and expenses in the manner prescribed
21 by law or ordinance.

22 (c) The State's Attorney may request and receive from
23 employers, labor unions, telephone companies, and utility
24 companies location information concerning putative fathers and
25 noncustodial parents for the purpose of establishing a child's
26 paternity or establishing, enforcing, or modifying a child

1 support obligation. In this subsection, "location information"
2 means information about (i) the physical whereabouts of a
3 putative father or noncustodial parent, (ii) the putative
4 father or noncustodial parent's employer, or (iii) the salary,
5 wages, and other compensation paid and the health insurance
6 coverage provided to the putative father or noncustodial
7 parent by the employer of the putative father or noncustodial
8 parent or by a labor union of which the putative father or
9 noncustodial parent is a member.

10 (d) (Blank).

11 (e) The State's Attorney shall have the authority to enter
12 into a written agreement with the Department of Revenue for
13 pursuit of civil liability under subsection (E) of Section
14 17-1 of the Criminal Code of 2012 against persons who have
15 issued to the Department checks or other orders in violation
16 of the provisions of paragraph (1) of subsection (B) of
17 Section 17-1 of the Criminal Code of 2012, with the Department
18 to retain the amount owing upon the dishonored check or order
19 along with the dishonored check fee imposed under the Uniform
20 Penalty and Interest Act, with the balance of damages, fees,
21 and costs collected under subsection (E) of Section 17-1 of
22 the Criminal Code of 2012 or under Section 17-1a of that Code
23 to be retained by the State's Attorney. The agreement shall
24 not affect the allocation of fines and costs imposed in any
25 criminal prosecution.

26 (f) In a county with less than 2,000,000 inhabitants, and

1 only upon receipt of a written request by the superintendent
2 of the county Veterans Assistance Commission for the county in
3 which the State's Attorney is located, the State's Attorney
4 shall have the discretionary authority to render an opinion,
5 without fee or reward, upon any question of law relating to a
6 matter in which the county Veterans Assistance Commission may
7 be concerned. The State's Attorney shall have the discretion
8 to grant or decline such a request.

9 (g) In counties with a population of more than 500,000, a
10 State's Attorney may act, without fee or appointment, as an
11 attorney to a noncitizen victim in an immigration case only if
12 the noncitizen victim was victimized within the county the
13 State's Attorney serves and is located within the geographic
14 boundaries of the county served by the State's Attorney.

15 (Source: P.A. 101-275, eff. 8-9-19; 102-56, eff. 7-9-21.)