

# SB3624



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

SB3624

Introduced 2/5/2026, by Sen. Seth Lewis

#### 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 18923 RTM 32368 b

A BILL FOR

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.)