



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5014

Introduced 2/18/2020, by Rep. Anne Stava-Murray

SYNOPSIS AS INTRODUCED:

15 ILCS 205/4

from Ch. 14, par. 4

Amends the Attorney General Act. Provides that the Attorney General shall investigate criminal misconduct and civil rights violations committed against persons in the custody of the Department of Corrections committed by an employee of the Department of Corrections if the State's Attorney of the county where the penal institution that has the custody of the incarcerated person is located fails to investigate, prosecute, or bring an action concerning the allegations and the Attorney General believes that there is probable cause to bring a civil rights action or criminal prosecution against the employee of the Department of Corrections and to prosecute or bring that action in the circuit court. Provides that the Attorney General shall not investigate the criminal misconduct or civil rights violation if the statute of limitations has expired for that action or prosecution.

LRB101 18484 RLC 67935 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

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

4 Section 5. The Attorney General Act is amended by changing
5 Section 4 as follows:

6 (15 ILCS 205/4) (from Ch. 14, par. 4)

7 Sec. 4. The duties of the Attorney General shall be--

8 First - To appear for and represent the people of the State
9 before the supreme court in all cases in which the State or the
10 people of the State are interested.

11 Second - To institute and prosecute all actions and
12 proceedings in favor of or for the use of the State, which may
13 be necessary in the execution of the duties of any State
14 officer.

15 Third - To defend all actions and proceedings against any
16 State officer, in his official capacity, in any of the courts
17 of this State or the United States.

18 Fourth - To consult with and advise the several State's
19 Attorneys in matters relating to the duties of their office;
20 and when, in his judgment, the interest of the people of the
21 State requires it, he shall attend the trial of any party
22 accused of crime, and assist in the prosecution. When the
23 Attorney General has requested in writing that a State's

1 Attorney initiate court proceedings to enforce any provisions
2 of the Election Code or to initiate a criminal prosecution with
3 respect to a violation of the Election Code, and when the
4 State's Attorney has declined in writing to initiate those
5 proceedings or prosecutions or when the State's Attorney has
6 neither initiated the proceedings or prosecutions nor
7 responded in writing to the Attorney General within 60 days of
8 the receipt of the request, the Attorney General may,
9 concurrently with or independently of the State's Attorney,
10 initiate such proceedings or prosecutions. The Attorney
11 General may investigate and prosecute any violation of the
12 Election Code at the request of the State Board of Elections or
13 a State's Attorney.

14 Fifth - To investigate alleged violations of the statutes
15 which the Attorney General has a duty to enforce and to conduct
16 other investigations in connection with assisting in the
17 prosecution of a criminal offense at the request of a State's
18 Attorney.

19 Sixth - To consult with and advise the governor and other
20 State officers, and give, when requested, written opinions upon
21 all legal or constitutional questions relating to the duties of
22 such officers respectively.

23 Seventh - To prepare, when necessary, proper drafts for
24 contracts and other writings relating to subjects in which the
25 State is interested.

26 Eighth - To give written opinions, when requested by either

1 branch of the general assembly, or any committee thereof, upon
2 constitutional or legal questions.

3 Ninth - To enforce the proper application of funds
4 appropriated to the public institutions of the State, prosecute
5 breaches of trust in the administration of such funds, and,
6 when necessary, prosecute corporations for failure or refusal
7 to make the reports required by law.

8 Tenth - To keep, a register of all cases prosecuted or
9 defended by him, in behalf of the State or its officers, and of
10 all proceedings had in relation thereto, and to deliver the
11 same to his successor in office.

12 Eleventh - To keep on file in his office a copy of the
13 official opinions issued by the Attorney General and deliver
14 same to his successor.

15 Twelfth - To pay into the State treasury all moneys
16 received by him for the use of the State.

17 Thirteenth - To attend to and perform any other duty which
18 may, from time to time, be required of him by law.

19 Fourteenth - To attend, present evidence to and prosecute
20 indictments returned by each Statewide Grand Jury.

21 Fifteenth - To give written binding and advisory public
22 access opinions as provided in Section 7 of this Act.

23 Sixteenth - To investigate criminal misconduct and civil
24 rights violations committed against persons in the custody of
25 the Department of Corrections committed by an employee of the
26 Department of Corrections if the State's Attorney of the county

1 where the penal institution that has the custody of the
2 incarcerated person is located fails to investigate,
3 prosecute, or bring an action concerning the allegations and
4 the Attorney General believes that there is probable cause to
5 bring a civil rights action or criminal prosecution against the
6 employee of the Department of Corrections and to prosecute or
7 bring that action in the circuit court. The Attorney General
8 shall not investigate the criminal misconduct or civil rights
9 violation if the statute of limitations has expired for that
10 action or prosecution.

11 (Source: P.A. 95-699, eff. 11-9-07; 96-542, eff. 1-1-10.)