



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB2129

Introduced 2/7/2023, by Rep. Jennifer Gong-Gershowitz

SYNOPSIS AS INTRODUCED:

55 ILCS 5/3-4007

from Ch. 34, par. 3-4007

Amends the Counties Code. Provides that a county's full-time public defender must be paid an annual salary that is at least 100% (rather than 90%) of the county State's attorney's annual compensation. Requires the State to pay 100% (rather than 66 2/3%) of the public defender's annual salary. Prohibits a public defender for a county of 30,000 or more inhabitants from engaging in the private practice of law if the public defender is receiving not less than 100% (rather than 90%) of the compensation of the State's attorney of that county. Effective July 1, 2023.

LRB103 04896 JDS 49906 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 3-4007 as follows:

6 (55 ILCS 5/3-4007) (from Ch. 34, par. 3-4007)

7 Sec. 3-4007. Compensation.

8 (a) The public defender shall be paid out of the county
9 treasury, and, subject to appropriation, shall be paid by the
10 Department of Revenue out of the Personal Property Tax
11 Replacement Fund or the General Revenue Fund as provided in
12 subsection (b), as the sole compensation for his or her
13 services a salary in an amount fixed by the County Board. When
14 a Public Defender in a county of 30,000 or more population is
15 receiving not less than 100% ~~90%~~ of the compensation of the
16 State's Attorney of such county, that Public Defender shall
17 not engage in the private practice of law.

18 (b) The State must pay 100% ~~66 2/3%~~ of the public
19 defender's annual salary. If the public defender is employed
20 full-time in that capacity, his or her salary must be at least
21 100% ~~90%~~ of that county's State's attorney's annual
22 compensation. Subject to appropriation, these amounts
23 furnished by the State shall be payable monthly by the

1 Department of Revenue out of the Personal Property Tax
2 Replacement Fund or the General Revenue Fund to the county in
3 which each Public Defender is employed.

4 (c) In cases where 2 or more adjoining counties have
5 joined to form a common office of Public Defender, the salary
6 of the Public Defender shall be set and paid as provided by a
7 joint resolution of the various county boards involved.

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

9 Section 99. Effective date. This Act takes effect July 1,
10 2023.