

1 AN ACT in relation to criminal law.

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

4 Section 5. The State Appellate Defender Act is amended
5 by changing Section 10 as follows:

6 (725 ILCS 105/10) (from Ch. 38, par. 208-10)

7 Sec. 10. Powers and duties of State Appellate Defender.

8 (a) The State Appellate Defender shall represent
9 indigent persons on appeal in criminal and delinquent minor
10 proceedings, when appointed to do so by a court under a
11 Supreme Court Rule or law of this State.

12 (b) The State Appellate Defender shall submit a budget
13 for the approval of the State Appellate Defender Commission.

14 (c) The State Appellate Defender may:

15 (1) maintain a panel of private attorneys available
16 to serve as counsel on a case basis;

17 (2) establish programs, alone or in conjunction
18 with law schools, for the purpose of utilizing volunteer
19 law students as legal assistants;

20 (3) cooperate and consult with state agencies,
21 professional associations, and other groups concerning
22 the causes of criminal conduct, the rehabilitation and
23 correction of persons charged with and convicted of
24 crime, the administration of criminal justice, and, in
25 counties of less than 1,000,000 population, study,
26 design, develop and implement model systems for the
27 delivery of trial level defender services, and make an
28 annual report to the General Assembly;

29 (4) provide investigative services to appointed
30 counsel and county public defenders;

31 (5) in cases in which a death sentence is an

1 authorized disposition, provide trial counsel with the
2 assistance of expert witnesses, investigators, and
3 mitigation specialists from funds appropriated to the
4 State Appellate Defender specifically for that purpose by
5 the General Assembly. The Office of State Appellate
6 Defender shall not be appointed to serve as trial counsel
7 in capital cases.

8 (c-5) The Office of the State Appellate Defender shall
9 disseminate on a Statewide basis the names and business
10 addresses of licensed attorneys who are certified by the
11 Illinois Supreme Court as members of the Capital Litigation
12 Trial Bar under Supreme Court Rule 714.

13 (d) For each State fiscal year, the State Appellate
14 Defender shall appear before the General Assembly and request
15 appropriations to be made from the Capital Litigation Trust
16 Fund to the State Treasurer for the purpose of providing
17 defense assistance in capital cases outside of Cook County.
18 The State Appellate Defender may appear before the General
19 Assembly at other times during the State's fiscal year to
20 request supplemental appropriations from the Trust Fund to
21 the State Treasurer.

22 (e) The requirement for reporting to the General
23 Assembly shall be satisfied by filing copies of the report
24 with the Speaker, the Minority Leader and the Clerk of the
25 House of Representatives and the President, the Minority
26 Leader and the Secretary of the Senate and the Legislative
27 Research Unit, as required by Section 3.1 of the General
28 Assembly Organization Act and filing such additional copies
29 with the State Government Report Distribution Center for the
30 General Assembly as is required under paragraph (t) of
31 Section 7 of the State Library Act.

32 (Source: P.A. 91-589, eff. 1-1-00.)