



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 02/09/04, by Marlow H. Colvin

SYNOPSIS AS INTRODUCED:

725 ILCS 105/10

from Ch. 38, par. 208-10

Amends the State Appellate Defender Act. Provides that the State Appellate Defender may hire investigators to provide investigative services to appointed counsel and county public defenders. Provides that investigators employed by the Death Penalty Trial Assistance and Capital Litigation Division of the State Appellate Defender shall be authorized to inquire with the Law Enforcement Agencies Data System (LEADS) to ascertain whether their potential witnesses have a criminal background. Provides that the authorization applies only to information held on the State level and shall be used only to protect the personal safety of the investigators. Provides that any information that is obtained through this inquiry may not be disclosed by the investigators.

LRB093 18952 RLC 44687 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning the exercise of police powers by State
2 employees.

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

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

7 (725 ILCS 105/10) (from Ch. 38, par. 208-10)

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

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

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

15 (c) The State Appellate Defender may:

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

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

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

30 (4) hire investigators to provide investigative
31 services to appointed counsel and county public defenders;

32 (5) in cases in which a death sentence is an authorized

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

7 Investigators employed by the Death Penalty Trial
8 Assistance and Capital Litigation Division of the State
9 Appellate Defender shall be authorized to inquire through the
10 Illinois State Police or local law enforcement with the Law
11 Enforcement Agencies Data System (LEADS) under Section
12 2605-375 of the Civil Administrative Code of Illinois to
13 ascertain whether their potential witnesses have a criminal
14 background, including: (i) warrants; (ii) arrests; (iii)
15 convictions; and (iv) officer safety information. This
16 authorization applies only to information held on the State
17 level and shall be used only to protect the personal safety of
18 the investigators. Any information that is obtained through
19 this inquiry may not be disclosed by the investigators.

20 (d) For each State fiscal year, the State Appellate
21 Defender shall appear before the General Assembly and request
22 appropriations to be made from the Capital Litigation Trust
23 Fund to the State Treasurer for the purpose of providing
24 defense assistance in capital cases outside of Cook County. The
25 State Appellate Defender may appear before the General Assembly
26 at other times during the State's fiscal year to request
27 supplemental appropriations from the Trust Fund to the State
28 Treasurer.

29 (e) The requirement for reporting to the General Assembly
30 shall be satisfied by filing copies of the report with the
31 Speaker, the Minority Leader and the Clerk of the House of
32 Representatives and the President, the Minority Leader and the
33 Secretary of the Senate and the Legislative Research Unit, as
34 required by Section 3.1 of the General Assembly Organization
35 Act and filing such additional copies with the State Government
36 Report Distribution Center for the General Assembly as is

1 required under paragraph (t) of Section 7 of the State Library
2 Act.

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