

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.)