SB0521 Engrossed

7

1 AN ACT concerning criminal law.

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

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

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

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

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

12 (b) The State Appellate Defender shall submit a budget for13 the approval of the State Appellate Defender Commission.

14 (c) The State Appellate Defender may:

15 (1) maintain a panel of private attorneys available to16 serve as counsel on a case basis;

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

(3) cooperate and consult with state agencies,
 professional associations, and other groups concerning the
 causes of criminal conduct, the rehabilitation and
 correction of persons charged with and convicted of crime,

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the administration of criminal justice, and, in counties of less than 1,000,000 population, study, design, develop and implement model systems for the delivery of trial level defender services, and make an annual report to the General Assembly;

6 7 (4) hire investigators to provide investigative services to appointed counsel and county public defenders;

(5) in cases in which a death sentence is an authorized 8 9 disposition, provide trial counsel with legal advice and 10 the assistance of expert witnesses, investigators, and 11 mitigation specialists from funds appropriated to the 12 State Appellate Defender specifically for that purpose by General Assembly. The Office of State Appellate 13 the 14 Defender shall not be appointed to serve as trial counsel 15 in capital cases; -

16 (6) develop a Juvenile Defender Resource Center to: (i) 17 study, design, develop, and implement model systems for the delivery of trial level defender services for juveniles in 18 19 the justice system; (ii) in cases in which a sentence of incarceration or an adult sentence, or both, is an 20 authorized disposition, provide trial counsel with legal 21 22 advice and the assistance of expert witnesses and 23 investigators from funds appropriated to the Office of the 24 State Appellate Defender by the General Assembly 25 specifically for that purpose; (iii) develop and provide training to public defenders on juvenile justice issues, 26

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utilizing resources including the State and local bar
 associations, the Illinois Public Defender Association,
 law schools, the Midwest Juvenile Defender Center, and pro
 bono efforts by law firms; and (iv) make an annual report
 to the General Assembly.

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

19 (d) For each State fiscal year, the State Appellate 20 Defender shall appear before the General Assembly and request appropriations to be made from the Capital Litigation Trust 21 22 Fund to the State Treasurer for the purpose of providing 23 defense assistance in capital cases outside of Cook County and 24 for expenses incurred by the State Appellate Defender in 25 representing petitioners in capital cases in post-conviction 26 proceedings under Article 122 of the Code of Criminal Procedure

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of 1963 and in relation to petitions filed under Section 2-1401 1 2 of the Code of Civil Procedure in relation to capital cases and 3 for the representation of those petitioners by attorneys approved by or contracted with the State Appellate Defender. 4 5 The State Appellate Defender may appear before the General Assembly at other times during the State's fiscal year to 6 7 request supplemental appropriations from the Trust Fund to the 8 State Treasurer.

9 (e) The requirement for reporting to the General Assembly 10 shall be satisfied by filing copies of the report with the 11 Speaker, the Minority Leader and the Clerk of the House of 12 Representatives and the President, the Minority Leader and the 13 Secretary of the Senate and the Legislative Research Unit, as 14 required by Section 3.1 of the General Assembly Organization 15 Act and filing such additional copies with the State Government 16 Report Distribution Center for the General Assembly as is 17 required under paragraph (t) of Section 7 of the State Library 18 Act.

19 (Source: P.A. 93-972, eff. 8-20-04; 93-1011, eff. 1-1-05; 20 94-340, eff. 1-1-06.)

21 Section 10. The State's Attorneys Appellate Prosecutor's 22 Act is amended by adding Section 4.11 as follows:

23 (725 ILCS 210/4.11 new)
24 Sec. 4.11. Juvenile Justice Resource Center. The Office may

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1	develop a Juvenile Justice Resourc	e Center to: (i) study,
2	design, develop, and implement	model systems for the
3	adjudication of juveniles in the justice system; (ii) in cases	
4	in which a sentence of incarceration or an adult sentence, or	
5	both, is an authorized disposition, provide trial counsel with	
6	legal advice and the assistance	of expert witnesses and
7	investigators from funds appropriat	ed to the Office by the
8	General Assembly specifically for that purpose; (iii) develop	
9	and provide training to assistant State's Attorneys on juvenile	
10	justice issues, and, (iv) make an and	nual report to the General
11	Assembly.	