1   AN ACT concerning 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 by

5   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 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 for

13 the approval of the State Appellate Defender Commission.

14   (c) The State Appellate Defender may:

15   (1) maintain a panel of private attorneys available to

16   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;

20   (3) cooperate and consult with state agencies,

21   professional associations, and other groups concerning the

22   causes of criminal conduct, the rehabilitation and

23   correction of persons charged with and convicted of crime,

1   the administration of criminal justice, and, in counties of

2   less than 1,000,000 population, study, design, develop and

3   implement model systems for the delivery of trial level

4   defender services, and make an annual report to the General

5   Assembly;

6   (4) hire investigators to provide investigative

7   services to appointed counsel and county public defenders;

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

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

13   the General Assembly. The Office of State Appellate

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

18   delivery of trial level defender services for juveniles in

19   the justice system; (ii) in cases in which a sentence of

20   incarceration or an adult sentence, or both, is an

21   authorized disposition, provide trial counsel with legal

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

26   training to public defenders on juvenile justice issues,

1   utilizing resources including the State and local bar

2   associations, the Illinois Public Defender Association,

3   law schools, the Midwest Juvenile Defender Center, and pro

4   bono efforts by law firms; and (iv) make an annual report

5   to the General Assembly.

6   Investigators employed by the Death Penalty Trial

7   Assistance and Capital Litigation Division of the State

8   Appellate Defender shall be authorized to inquire through the

9   Illinois State Police or local law enforcement with the Law

10   Enforcement Agencies Data System (LEADS) under 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)

14   convictions; and (iv) officer safety information. 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

18   this inquiry may not be disclosed by the investigators.

19   (d) For each State fiscal year, the State Appellate

20   Defender shall appear before the General Assembly and request

21   appropriations to be made from the Capital Litigation Trust

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

1   of 1963 and in relation to petitions filed under Section 2-1401

2   of the Code of Civil Procedure in relation to capital cases and

3   for the representation of those petitioners by attorneys

4   approved by or contracted with the State Appellate Defender.

5   The State Appellate Defender may appear before the General

6   Assembly at other times during the State's fiscal year to

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

1   develop a Juvenile Justice Resource 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 appropriated 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 annual report to the General

11   Assembly.