

1 AN ACT concerning the State's Attorneys Appellate
2 Prosecutor.

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

5 Section 5. The State's Attorneys Appellate Prosecutor's
6 Act is amended by changing Section 4.01 as follows:

7 (725 ILCS 210/4.01) (from Ch. 14, par. 204.01)

8 Sec. 4.01. The Office and all attorneys employed thereby
9 may represent the People of the State of Illinois on appeal
10 in all cases which emanate from a county district containing
11 less than 3,000,000 inhabitants, when requested to do so and
12 at the direction of the State's Attorney, otherwise
13 responsible for prosecuting the appeal, and may, with the
14 advice and consent of the State's Attorney prepare, file and
15 argue such appellate briefs in the Illinois Appellate Court
16 and, when requested and authorized to do so by the Attorney
17 General, in the Illinois Superme Court. The Office may also
18 assist County State's Attorneys in the discharge of their
19 duties under the Illinois Controlled Substances Act, the
20 Cannabis Control Act, the Drug Asset Forfeiture Procedure
21 Act, the Narcotics Profit Forfeiture Act, and the Illinois
22 Public Labor Relations Act, including negotiations conducted
23 on behalf of a county or pursuant to an intergovernmental
24 agreement as well as in the trial and appeal of said cases
25 and of tax objections, and the counties which use services
26 relating to labor relations shall reimburse the Office on
27 pro-rated shares as determined by the board based upon the
28 population and number of labor relations cases of the
29 participating counties. In addition, the Office and all
30 attorneys employeed by the Office may also assist State's
31 Attorneys in the discharge of their duties in the prosecution

1 and trial of other cases when requested to do so by, and at
2 the direction of, the State's Attorney otherwise responsible
3 for the case. In addition, the Office and all attorneys
4 employed by the Office may act as Special Prosecutor if duly
5 appointed to do so by a court having jurisdiction. To be
6 effective, the order appointing the Office or its attorneys
7 as Special Prosecutor must (i) identify the case and its
8 subject matter and (ii) state that the Special Prosecutor
9 serves at the pleasure of the Attorney General, who may
10 substitute himself or herself as the Special Prosecutor when,
11 in his or her judgment, the interest of the people of the
12 State so requires. Within 5 days after receiving a copy of an
13 order from the court appointing the Office or any of its
14 attorneys as a Special Prosecutor, the Office must forward a
15 copy of the order to the Springfield office of the Attorney
16 General.

17 (Source: P.A. 85-617.)