



Lake County Illinois

Legislation Text

File #: 09-1046, Version: 1

Joint resolution authorizing the continuation of the State's Attorney's Appellate Prosecutor Program for the 2009 fiscal year.

- This is a renewal for the continued operation of the State's Attorney's Appellate Prosecutor Program.
- Through this program the State's Attorney's Appellate Prosecutor handles Lake County criminal appeals, provides investigative and prosecutorial support in criminal cases, provides comprehensive training programs for prosecutors, and provides monthly case law newsletters, legislative updates, and Uniform Complaint Book supplements.
- The Board of Governors of the State's Attorney's Appellate Prosecutor has voted not to increase the Lake County State's Attorney's Office contribution for FY2009. The contribution for FY2009 participation is the same as FY2008, which is \$35,000.
- The state's attorney's approved FY2009 budget includes the \$35,000 fee.

RESOLUTION

WHEREAS, the Office of the State's Attorney's Appellate Prosecutor was created to provide services to State's Attorney's in Judicial Districts containing less than 3,000,000 inhabitants; and

WHEREAS, the powers and duties of the Office of the State's Attorneys Appellate Prosecutor are defined and enumerated in the "State's Attorneys Appellate Prosecutor's Act," 725 ILCS 210/1 et seq., as amended; and

WHEREAS, the Illinois General Assembly appropriates monies for the ordinary and contingent expenses of the Office of the State's Attorney's Appellate Prosecutor, one-third from the State's Attorney's Appellate Prosecutor County Fund and two-thirds from the General Revenue Fund, provided that such funding receives county approval and support from within the respective Judicial Districts eligible to apply; and

WHEREAS, the Office of the State's Attorney's Appellate Prosecutor shall administer the operation of the appellate offices so as to insure that all participating State's Attorney's continue to have final authority in preparation, filing, and arguing of all appellate briefs and any trial assistance; and

WHEREAS, the Office of the State's Attorney's Appellate Prosecutor and the Illinois General Assembly have reviewed and approved a budget which will provide for the continued operation of the Office of the State's Attorney's Appellate Prosecutor;

NOW, THEREFORE, BE IT RESOLVED, by this County Board of Lake County, Illinois, that the County of Lake does hereby support the continued operation of the Office of the State's Attorney's Appellate Prosecutor, and designates the Office of the State's Attorney's Appellate Prosecutor as its Agent to administer the operation of the appellate offices and to process said appellate court cases for this County; and

BE IT FURTHER RESOLVED, that the attorneys employed by the Office of the State's Attorney's Appellate Prosecutor are hereby authorized to act as Assistant State's Attorney's on behalf of the State's Attorney of this county in the appeal of all cases when requested to do so by the State's Attorney and with the advice and consent of the State's Attorney prepare, file, and argue appellate briefs for those cases; and also, as may be requested by the State's Attorney, to assist in the prosecution of cases under the Illinois Controlled Substances Act, the Cannabis Control Act, the Drug Asset Forfeiture Procedure Act, and the Narcotics Profit Forfeiture Act. Such attorneys are further authorized to assist the State's Attorney in the State's Attorney's duties under the Illinois Public Labor Relations Act, including negotiations thereunder, as well as in the trial and appeal of tax objections; and

BE IT FURTHER RESOLVED, that the attorneys employed by the Office of the State's Attorney's Appellate Prosecutor may also assist the State's Attorney of Lake County in the discharge of the State's Attorney's duties in the prosecution and trial of other cases, and may act as Special Prosecutor if duly appointed to do so by a court having jurisdiction; and

BE IT FURTHER RESOLVED, that the Lake County Board hereby agrees to participate in the service program of the Office of the State's Attorneys Appellate Prosecutor for the Lake County Fiscal Year 2008, by appropriating the sum of \$35,000 as consideration for the express purpose of providing a portion of the funds required for financing the operation of the Office of the State's Attorney's Appellate Prosecutor, and agrees to deliver the same to the Office of the State's Attorney's Appellate Prosecutor during the County's 2009 Fiscal Year.

DATED, at Waukegan, Lake County, Illinois, on this 13th day of January, A.D., 2009.