



Lake County Illinois

Legislation Text

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Joint resolution authorizing the State's Attorney's Appellate Prosecutor Program for Fiscal Year (FY) 2023 for a continued participation fee of \$48,000.

- 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 to keep the contribution amount for FY 2023 the same as for FY 2022, \$48,000.
- The State's Attorney's approved FY 2023 budget includes the \$48,000 expense.

RESOLUTION

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

WHEREAS, the powers and duties of the Office of the State's Attorney's Appellate Prosecutor are defined and enumerated in the "State's Attorney's 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 counties 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 ensure that all participating State's Attorneys continue to have final authority in preparation, filing, and arguing of all appellate briefs and any trial assistance; and

NOW, THEREFORE, BE IT RESOLVED, that the Lake County Board in regular session this 17th day of January 2023, 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.

BE IT FURTHER RESOLVED, that the attorneys employed by the Office of the State's Attorneys Appellate Prosecutor are hereby authorized to act as Assistant State's Attorneys 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 trial and appeal of tax objections.

BE IT FURTHER RESOLVED, that the office of the State's Attorneys Appellate Prosecutor will offer continuing legal education training programs to the State's Attorneys and Assistant State's Attorneys.

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 this 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.

BE IT FURTHER RESOLVED, that if the Office of the State's Attorneys Appellate Prosecutor is duly appointed to act as a Special Prosecutor in this county by a court having jurisdiction, this county will provide reasonable and necessary clerical and administrative support and victim-witness coordination on an as-needed basis and will also cover all reasonable and necessary case expenses such as expert witness fees, transcripts, evidence presentation, documents, lodgings, and all other expenses directly related to the prosecution of the case.

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, commencing December 1, 2022, and ending November 30, 2023, by hereby appropriating the sum of \$48,000 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 on request during the stated twelve month period.

DATED, at Waukegan, Lake County, Illinois, on January 17, 2023.