



# Lake County Illinois

## Legislation Details (With Text)

**File #:** 21-0014      **Version:** 1      **Name:** State's Attorney's Appellate Prosecution Program  
**Type:** resolution      **Status:** Passed  
**File created:** 12/16/2020      **In control:** Law & Judicial Committee  
**On agenda:**      **Final action:** 1/12/2021

**Title:** Joint resolution authorizing the State's Attorney's Appellate Prosecutor Program for Fiscal Year (FY) 2021 for a continued participation fee of \$49,000.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. State's Appellate Prosecutor FY21 Invoice

| Date      | Ver. | Action By                            | Action   | Result |
|-----------|------|--------------------------------------|--|--------|
| 1/12/2021 | 1    | Lake County Board                    | adopted  | Pass   |
| 1/7/2021  | 1    | Financial & Administrative Committee | recommended for adoption to the consent agenda                         | Fail   |
| 1/5/2021  | 1    | Law & Judicial Committee             | approved and referred on to the Financial and Administrative Committee | Pass   |

Joint resolution authorizing the State's Attorney's Appellate Prosecutor Program for Fiscal Year (FY) 2021 for a continued participation fee of \$49,000.

- 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, and legislative updates.
- The Board of Governors of the State's Attorney's Appellate Prosecutor voted to maintain county contributions the same as for FY 2020; \$49,000 for counties with populations of 500,000 and over.
- The State's Attorney's Office approved FY 2021 budget includes funding for this program.

## RESOLUTION

**WHEREAS**, the Office of the State's Attorney's Appellate Prosecutor was created to provide services to State's Attorneys in Judicial Districts 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 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 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**, by this County Board of Lake County, Illinois, in regular session, this 12<sup>th</sup> day of January, 2021, 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 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 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.

**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 Lake County by a court having jurisdiction, Lake 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, 2020, and ending November 30, 2021, by hereby appropriating the sum of \$49,000 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.

Passed and adopted by the County Board of Lake County Illinois

**DATED**, at Waukegan, Lake County, Illinois, on January 12, 2021.