



Lake County Illinois

Legislation Text

File #: 19-0003, **Version:** 1

Joint resolution authorizing the State's Attorney's Appellate Prosecutor Program for fiscal year (FY) 2019 for a continued participation fee of \$42,000.

- 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 maintain the Lake County State's Attorney's Office FY2019 contribution the same as for FY2018 or \$42,000.
- The State's Attorney's approved FY2019 budget includes the \$42,000 fee.

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 insure that all participating State's Attorneys continue to have final authority in preparation, filing, and arguing of all appellate briefs and any trial assistance.

NOW, THEREFORE, BE IT RESOLVED, by this County Board of Lake County, Illinois, in regular session, this 15th day of January 2019, 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 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.

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 this county by a court having jurisdiction, this county will provide reasonable and necessary clerical and administrative support on an as-needed basis.

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 2019 commencing December 1, 2018, and ending November 30, 2019, by hereby appropriating the sum of \$42,000 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 County's 2019 Fiscal Year.

DATED, at Waukegan, Lake County, Illinois, on January 15, 2019.