

# State's Attorney

PRESENTED BY THE ILLINOIS ASSOCIATION OF COUNTY BOARD MEMBERS AND COMMISSIONERS

## Primary Duties

The state's attorney is the chief prosecuting officer of the county. The state's attorney has the exclusive and statutory responsibility for prosecuting violations of the criminal law of the State of Illinois, as well as many other regulatory laws of the state and county including traffic regulation, juvenile court matters and mental health hearing. The state's attorney is a constitutional officer, part of the executive branch of state government, and his powers are executive powers.

### Duties of each state's attorney are:

- To commence and prosecute all actions, suits, indictments and prosecutions, civil and criminal, in the circuit court for his/her county.
- To prosecute all forfeited bonds and all actions for the recovery of moneys, debts, revenues, fines, penalties and forfeitures accruing to his/her state, county or to any school district or road district.
- To commence and prosecute all actions and proceedings brought by any county officer in his/her official capacity.
- To defend all actions and proceedings brought against his/her county, or against any county or state officer, in his/her official capacity, within his/her county.
- To attend the examination of all persons brought before any judge on habeas corpus, when the prosecutions is in his/her county.
- To prosecute charges of felony or misdemeanor, for which the offender is required to be recognized to appear before the circuit court.
- To give his/her opinion without fee, to any county officer in his/her county, upon any question or law relating to any criminal or other matter.
- To assist the attorney general whenever it may be necessary.
- To pay all money received by him/her in trust, without delay, to the officer who by law is entitled to the custody of it.
- To notify complaining witnesses (by first class mail) of the ultimate disposition of the case arising from an indictment or other information.
- To perform such duties as may, from time to time, be placed upon him/her by law.
- To appear in all proceedings by collectors of taxes against delinquent taxpayers for judgments to sell real estate, and see that all the necessary steps have been taken to make the judgments legal and binding.



## Other Responsibilities

The state's attorney is also responsible for enforcement of county ordinances and collections of child support payments.

## Training

To be eligible for the Office of States Attorney, a person must be a United States citizen and a licensed attorney-at-law of the state. The position is full time and the state's attorney may not have a private practice of law.

## Term

State's attorney is an elected office serving a four-year term. While the position is a county elected office, it is partially funded by the state.