

STATE OF ILLINOIS  
OFFICE OF THE GOVERNOR  
SPRINGFIELD, 62706GEORGE H. RYAN  
GOVERNOR

August 10, 2001

To the Honorable Members of the  
Illinois House of Representatives  
92nd General Assembly

Pursuant to the authority vested in the Governor by Article IV, Section 9(e) of the Illinois Constitution of 1970, and re-affirmed by the People of the State of Illinois by popular referendum in 1974, and conforming to the standard articulated by the Illinois Supreme Court in People ex Rel. Klinger v. Howlett, 50 Ill. 2d 242 (1972), Continental Illinois National Bank and Trust Co. v. Zagel, 78 Ill. 2d 387 (1979), People ex Rel. City of Canton v. Crouch, 79 Ill. 2d 356 (1980), and County of Kane v. Carlson, 116 Ill. 2d 186 (1987), that gubernatorial action be consistent with the fundamental purposes and the intent of the bill, I hereby return House Bill 549, entitled "AN ACT concerning public defenders," with my specific recommendation for change.

First of all, I wish to applaud the General Assembly for recognizing the importance of funding the Public Defender in each of our State's counties in much the same way that the State already funds our State's Attorneys. The passage of this legislation represents another victory for criminal justice reform and is a vital step towards a more fair, just and accurate criminal justice system.

A number of things in the past several years have contributed to the furtherance of fairness and justice in Illinois beginning, perhaps, with the General Assembly's commissioning of the Task Force on Professional Practice in the Illinois Justice Systems. This task force, chaired by the Honorable J. William Roberts, recommended many important and critical steps necessary to secure and restore justice to the Illinois justice system in their report to the General Assembly in May of 2000.

I am proud to say that, in partnership with the General Assembly, we are working toward implementing yet another recommendation from this report by taking an important step toward State funding of public defenders. This will follow a series of meaningful protections that have been a part of the justice system reforms that I have fought to put in place including, among others: the creation of the Capital Litigation Trust Fund, which to date has dedicated over \$21 million to the defense and prosecution of capital cases so that these cases are investigated thoroughly from the beginning and defendants have access to resources once routinely denied them; the death penalty moratorium, which insures that no innocent man or woman will face death at the hands of the State while our capital punishment system undergoes a thorough and comprehensive review; and more recently, the inclusion in our budget of State funds to alleviate the backlog of criminal appeals in Cook County that was delaying, if not effectively denying, individuals their constitutional right to appellate review.

But our work in this area is not through and even House Bill 549 leaves some things unsaid and undone. The funding of this initiative is not included in this year's budget and I ask the General Assembly to finish what they have started by appropriating the necessary funds next year to put this important criminal justice reform into effect. I also strongly encourage counties to take advantage of the time from now until the beginning of the next fiscal year, when the State intends to begin funding this initiative, to plan

how to best utilize these funds to improve public defender offices and their services. While not explicitly stated in this legislation, the State funding that this bill will make possible is meant to supplement county budgets for their public defenders, not replace it. The State funding contemplated by this legislation will free up county funds which should then be used to leverage other criminal justice improvements by funding programs and services that will further enhance the quality of defender services in each county. To simply work a budget reallocation of State funds for already allocated and expended county funds, would be acting contrary to the intent and will of the Illinois General Assembly and the Governor of this State. I believe that allowing time for counties to plan for the appropriate changes and improvements in their public defenders offices will help make this initiative more successful. Moreover, I believe that we can insure greater accountability from Illinois counties by adjusting the effective date to correspond with the anticipated date that the State will make the promised funds available.

For these reasons, I return House Bill 549 with the following recommendation for change:

On page 2, after line 2 insert the following:

"Section 99. Effective date. This Act takes effect July 1, 2002".

With this specific recommendation for change, House Bill 549 will have my approval. I respectfully request your concurrence.

Sincerely,  
s/GEORGE H. RYAN  
Governor