



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB3355

Introduced 2/14/2020, by Sen. Elgie R. Sims, Jr.

SYNOPSIS AS INTRODUCED:

705 ILCS 405/5-410
705 ILCS 405/5-415
705 ILCS 405/5-420 new
730 ILCS 110/15

from Ch. 38, par. 204-7

Amends the Juvenile Court Act of 1987. Provides that on and after July 1, 2022, a detention screening instrument shall be used for referrals to all authorized juvenile detention facilities in this State prior to a judicial hearing. Provides a minor alleged to be a delinquent minor taken into temporary custody must be brought before a judicial officer within 48 hours (rather than 40 hours, excluding Saturdays, Sundays and court designated holidays). Provides that if an appearance is required of any minor taken and held in a place of custody or confinement operated by the State or any of its political subdivisions, including counties and municipalities, the chief judge of the circuit may permit by rule for the minor's personal appearance to be made by means of two-way audio-visual communication, including closed circuit television and computerized video conference, in the following proceedings: (1) the initial appearance before a judge; (2) a detention or shelter care hearing; or (3) any status hearing. Amends the Probation and Probation Officers Act. Provides that the Division of Probation Services of the Supreme Court shall adopt a statewide juvenile detention screening instrument that has been verified through evidence-based and data-based practices that is to be used by all authorized juvenile detention facilities. Makes other changes. Effective immediately.

LRB101 18388 RLC 67835 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning courts.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Juvenile Court Act of 1987 is amended by
5 changing Sections 5-410 and 5-415 and by adding Section 5-420
6 as follows:

7 (705 ILCS 405/5-410)

8 Sec. 5-410. Non-secure custody or detention.

9 (1) Any minor arrested or taken into custody pursuant to
10 this Act who requires care away from his or her home but who
11 does not require physical restriction shall be given temporary
12 care in a foster family home or other shelter facility
13 designated by the court.

14 (2) (a) Any minor 10 years of age or older arrested
15 pursuant to this Act where there is probable cause to believe
16 that the minor is a delinquent minor and that (i) secure
17 custody is a matter of immediate and urgent necessity for the
18 protection of the minor or of the person or property of
19 another, (ii) the minor is likely to flee the jurisdiction of
20 the court, or (iii) the minor was taken into custody under a
21 warrant, may be kept or detained in an authorized detention
22 facility. A minor under 13 years of age shall not be admitted,
23 kept, or detained in a detention facility unless a local youth

1 service provider, including a provider through the
2 Comprehensive Community Based Youth Services network, has been
3 contacted and has not been able to accept the minor. No minor
4 under 12 years of age shall be detained in a county jail or a
5 municipal lockup for more than 6 hours.

6 (a-5) For a minor arrested or taken into custody for
7 vehicular hijacking or aggravated vehicular hijacking, a
8 previous finding of delinquency for vehicular hijacking or
9 aggravated vehicular hijacking shall be given greater weight in
10 determining whether secured custody of a minor is a matter of
11 immediate and urgent necessity for the protection of the minor
12 or of the person or property of another.

13 (b) The written authorization of the probation officer or
14 detention officer (or other public officer designated by the
15 court in a county having 3,000,000 or more inhabitants)
16 constitutes authority for the superintendent of any juvenile
17 detention home to detain and keep a minor for up to 48 ~~40~~
18 ~~hours, excluding Saturdays, Sundays, and court designated~~
19 ~~holidays~~. These records shall be available to the same persons
20 and pursuant to the same conditions as are law enforcement
21 records as provided in Section 5-905.

22 (b-4) The consultation required by paragraph (b-5) shall
23 not be applicable if the probation officer or detention officer
24 (or other public officer designated by the court in a county
25 having 3,000,000 or more inhabitants) utilizes a scorable
26 detention screening instrument, which has been developed with

1 input by the State's Attorney, to determine whether a minor
2 should be detained, however, paragraph (b-5) shall still be
3 applicable where no such screening instrument is used or where
4 the probation officer, detention officer (or other public
5 officer designated by the court in a county having 3,000,000 or
6 more inhabitants) deviates from the screening instrument.

7 On and after July 1, 2022, a detention screening instrument
8 shall be used for referrals to all authorized juvenile
9 detention facilities in this State prior to a judicial hearing.
10 The detention screening instrument shall be developed and
11 validated by the Probation Division of the Administrative
12 Office of the Illinois Courts, as provided in Section 15 of the
13 Probation and Probation Officers Act, and subject to approval
14 by the Chief Judge of each Circuit.

15 (b-5) Subject to the provisions of paragraph (b-4), if a
16 probation officer or detention officer (or other public officer
17 designated by the court in a county having 3,000,000 or more
18 inhabitants) does not intend to detain a minor for an offense
19 which constitutes one of the following offenses he or she shall
20 consult with the State's Attorney's Office prior to the release
21 of the minor: first degree murder, second degree murder,
22 involuntary manslaughter, criminal sexual assault, aggravated
23 criminal sexual assault, aggravated battery with a firearm as
24 described in Section 12-4.2 or subdivision (e)(1), (e)(2),
25 (e)(3), or (e)(4) of Section 12-3.05, aggravated or heinous
26 battery involving permanent disability or disfigurement or

1 great bodily harm, robbery, aggravated robbery, armed robbery,
2 vehicular hijacking, aggravated vehicular hijacking, vehicular
3 invasion, arson, aggravated arson, kidnapping, aggravated
4 kidnapping, home invasion, burglary, or residential burglary.

5 (c) Except as otherwise provided in paragraph (a), (d), or
6 (e), no minor shall be detained in a county jail or municipal
7 lockup for more than 12 hours, unless the offense is a crime of
8 violence in which case the minor may be detained up to 24
9 hours. For the purpose of this paragraph, "crime of violence"
10 has the meaning ascribed to it in Section 1-10 of the
11 Alcoholism and Other Drug Abuse and Dependency Act.

12 (i) The period of detention is deemed to have begun
13 once the minor has been placed in a locked room or cell or
14 handcuffed to a stationary object in a building housing a
15 county jail or municipal lockup. Time spent transporting a
16 minor is not considered to be time in detention or secure
17 custody.

18 (ii) Any minor so confined shall be under periodic
19 supervision and shall not be permitted to come into or
20 remain in contact with adults in custody in the building.

21 (iii) Upon placement in secure custody in a jail or
22 lockup, the minor shall be informed of the purpose of the
23 detention, the time it is expected to last and the fact
24 that it cannot exceed the time specified under this Act.

25 (iv) A log shall be kept which shows the offense which
26 is the basis for the detention, the reasons and

1 circumstances for the decision to detain, and the length of
2 time the minor was in detention.

3 (v) Violation of the time limit on detention in a
4 county jail or municipal lockup shall not, in and of
5 itself, render inadmissible evidence obtained as a result
6 of the violation of this time limit. Minors under 18 years
7 of age shall be kept separate from confined adults and may
8 not at any time be kept in the same cell, room, or yard
9 with adults confined pursuant to criminal law. Persons 18
10 years of age and older who have a petition of delinquency
11 filed against them may be confined in an adult detention
12 facility. In making a determination whether to confine a
13 person 18 years of age or older who has a petition of
14 delinquency filed against the person, these factors, among
15 other matters, shall be considered:

16 (A) the age of the person;

17 (B) any previous delinquent or criminal history of
18 the person;

19 (C) any previous abuse or neglect history of the
20 person; and

21 (D) any mental health or educational history of the
22 person, or both.

23 (d) (i) If a minor 12 years of age or older is confined in a
24 county jail in a county with a population below 3,000,000
25 inhabitants, then the minor's confinement shall be implemented
26 in such a manner that there will be no contact by sight, sound,

1 or otherwise between the minor and adult prisoners. Minors 12
2 years of age or older must be kept separate from confined
3 adults and may not at any time be kept in the same cell, room,
4 or yard with confined adults. This paragraph (d)(i) shall only
5 apply to confinement pending an adjudicatory hearing and shall
6 not exceed 48 ~~40~~ hours, ~~excluding Saturdays, Sundays, and~~
7 ~~court designated holidays~~. To accept or hold minors during this
8 time period, county jails shall comply with all monitoring
9 standards adopted by the Department of Corrections and training
10 standards approved by the Illinois Law Enforcement Training
11 Standards Board.

12 (ii) To accept or hold minors, 12 years of age or older,
13 after the time period prescribed in paragraph (d)(i) of this
14 subsection (2) of this Section but not exceeding 7 days
15 including Saturdays, Sundays, and holidays pending an
16 adjudicatory hearing, county jails shall comply with all
17 temporary detention standards adopted by the Department of
18 Corrections and training standards approved by the Illinois Law
19 Enforcement Training Standards Board.

20 (iii) To accept or hold minors 12 years of age or older,
21 after the time period prescribed in paragraphs (d)(i) and
22 (d)(ii) of this subsection (2) of this Section, county jails
23 shall comply with all county juvenile detention standards
24 adopted by the Department of Juvenile Justice.

25 (e) When a minor who is at least 15 years of age is
26 prosecuted under the criminal laws of this State, the court may

1 enter an order directing that the juvenile be confined in the
2 county jail. However, any juvenile confined in the county jail
3 under this provision shall be separated from adults who are
4 confined in the county jail in such a manner that there will be
5 no contact by sight, sound or otherwise between the juvenile
6 and adult prisoners.

7 (f) For purposes of appearing in a physical lineup, the
8 minor may be taken to a county jail or municipal lockup under
9 the direct and constant supervision of a juvenile police
10 officer. During such time as is necessary to conduct a lineup,
11 and while supervised by a juvenile police officer, the sight
12 and sound separation provisions shall not apply.

13 (g) For purposes of processing a minor, the minor may be
14 taken to a county jail or municipal lockup under the direct and
15 constant supervision of a law enforcement officer or
16 correctional officer. During such time as is necessary to
17 process the minor, and while supervised by a law enforcement
18 officer or correctional officer, the sight and sound separation
19 provisions shall not apply.

20 (3) If the probation officer or State's Attorney (or such
21 other public officer designated by the court in a county having
22 3,000,000 or more inhabitants) determines that the minor may be
23 a delinquent minor as described in subsection (3) of Section
24 5-105, and should be retained in custody but does not require
25 physical restriction, the minor may be placed in non-secure
26 custody for up to 40 hours pending a detention hearing.

1 (4) Any minor taken into temporary custody, not requiring
2 secure detention, may, however, be detained in the home of his
3 or her parent or guardian subject to such conditions as the
4 court may impose.

5 (5) The changes made to this Section by Public Act 98-61
6 apply to a minor who has been arrested or taken into custody on
7 or after January 1, 2014 (the effective date of Public Act
8 98-61).

9 (Source: P.A. 100-745, eff. 8-10-18; 101-81, eff. 7-12-19.)

10 (705 ILCS 405/5-415)

11 Sec. 5-415. Setting of detention or shelter care hearing;
12 release.

13 (1) Unless sooner released, a minor alleged to be a
14 delinquent minor taken into temporary custody must be brought
15 before a judicial officer within 48 ~~40~~ hours for a detention or
16 shelter care hearing to determine whether he or she shall be
17 further held in custody. If a minor alleged to be a delinquent
18 minor taken into custody is hospitalized or is receiving
19 treatment for a physical or mental condition, and is unable to
20 be brought before a judicial officer for a detention or shelter
21 care hearing, the 48 ~~40~~ hour period will not commence until the
22 minor is released from the hospital or place of treatment. If
23 the minor gives false information to law enforcement officials
24 regarding the minor's identity or age, the 48 ~~40~~ hour period
25 will not commence until the court rules that the minor is

1 subject to this Act and not subject to prosecution under the
2 Criminal Code of 1961 or the Criminal Code of 2012. Any other
3 delay attributable to a minor alleged to be a delinquent minor
4 who is taken into temporary custody shall act to toll the 48 ~~40~~
5 hour time period. The 48 ~~40~~ hour time period shall be tolled to
6 allow counsel for the minor to prepare for the detention or
7 shelter care hearing, upon a motion filed by such counsel and
8 granted by the court. In all cases, the 48 ~~40~~ hour time period
9 includes any Saturday, Sunday, or court-designated holiday
10 within the period ~~is exclusive of Saturdays, Sundays and~~
11 ~~court-designated holidays.~~

12 (2) If the State's Attorney or probation officer (or other
13 public officer designated by the court in a county having more
14 than 3,000,000 inhabitants) determines that the minor should be
15 retained in custody, he or she shall cause a petition to be
16 filed as provided in Section 5-520 of this Article, and the
17 clerk of the court shall set the matter for hearing on the
18 detention or shelter care hearing calendar. Immediately upon
19 the filing of a petition in the case of a minor retained in
20 custody, the court shall cause counsel to be appointed to
21 represent the minor. When a parent, legal guardian, custodian,
22 or responsible relative is present and so requests, the
23 detention or shelter care hearing shall be held immediately if
24 the court is in session and the State is ready to proceed,
25 otherwise at the earliest feasible time. In no event shall a
26 detention or shelter care hearing be held until the minor has

1 had adequate opportunity to consult with counsel. The probation
2 officer or such other public officer designated by the court in
3 a county having more than 3,000,000 inhabitants shall notify
4 the minor's parent, legal guardian, custodian, or responsible
5 relative of the time and place of the hearing. The notice may
6 be given orally.

7 (3) The minor must be released from custody at the
8 expiration of the 48 ~~40~~ hour period specified by this Section
9 if not brought before a judicial officer within that period.

10 (4) After the initial 48 ~~40~~ hour period has lapsed, the
11 court may review the minor's custodial status at any time prior
12 to the trial or sentencing hearing. If during this time period
13 new or additional information becomes available concerning the
14 minor's conduct, the court may conduct a hearing to determine
15 whether the minor should be placed in a detention or shelter
16 care facility. If the court finds that there is probable cause
17 that the minor is a delinquent minor and that it is a matter of
18 immediate and urgent necessity for the protection of the minor
19 or of the person or property of another, or that he or she is
20 likely to flee the jurisdiction of the court, the court may
21 order that the minor be placed in detention or shelter care.

22 (Source: P.A. 97-1150, eff. 1-25-13.)

23 (705 ILCS 405/5-420 new)

24 Sec. 5-420. Minor's appearance by closed circuit
25 television and video conference.

1 (a) If an appearance under this Act is required of any
2 minor taken and held in a place of custody or confinement
3 operated by the State or any of its political subdivisions,
4 including counties and municipalities, the chief judge of the
5 circuit may permit by rule for the minor's personal appearance
6 to be made by means of two-way audio-visual communication,
7 including closed circuit television and computerized video
8 conference, in the following proceedings:

9 (1) the initial appearance before a judge;

10 (2) a detention or shelter care hearing; or

11 (3) any status hearing.

12 (b) The two-way audio-visual communication facilities must
13 provide two-way audio-visual communication between the court
14 and the place of custody or confinement and must include a
15 secure line over which the minor in custody and his or her
16 counsel may communicate.

17 (c) Nothing in this Section shall be construed to prohibit
18 other court appearances through the use of two-way audio-visual
19 communication, upon waiver of any right the minor in custody or
20 confinement may have to be present physically.

21 (d) Nothing in this Section shall be construed to establish
22 a right of any minor held in custody or confinement to appear
23 in court through two-way audio-visual communication or to
24 require that any governmental entity, or place of custody or
25 confinement, provide two-way audio-visual communication.

1 Section 10. The Probation and Probation Officers Act is
2 amended by changing Section 15 as follows:

3 (730 ILCS 110/15) (from Ch. 38, par. 204-7)

4 Sec. 15. (1) The Supreme Court of Illinois may establish a
5 Division of Probation Services whose purpose shall be the
6 development, establishment, promulgation, and enforcement of
7 uniform standards for probation services in this State, and to
8 otherwise carry out the intent of this Act. The Division may:

9 (a) establish qualifications for chief probation
10 officers and other probation and court services personnel
11 as to hiring, promotion, and training.

12 (b) make available, on a timely basis, lists of those
13 applicants whose qualifications meet the regulations
14 referred to herein, including on said lists all candidates
15 found qualified.

16 (c) establish a means of verifying the conditions for
17 reimbursement under this Act and develop criteria for
18 approved costs for reimbursement.

19 (d) develop standards and approve employee
20 compensation schedules for probation and court services
21 departments.

22 (e) employ sufficient personnel in the Division to
23 carry out the functions of the Division.

24 (f) establish a system of training and establish
25 standards for personnel orientation and training.

1 (g) develop standards for a system of record keeping
2 for cases and programs, gather statistics, establish a
3 system of uniform forms, and develop research for planning
4 of Probation Services.

5 (h) develop standards to assure adequate support
6 personnel, office space, equipment and supplies, travel
7 expenses, and other essential items necessary for
8 Probation and Court Services Departments to carry out their
9 duties.

10 (i) review and approve annual plans submitted by
11 Probation and Court Services Departments.

12 (j) monitor and evaluate all programs operated by
13 Probation and Court Services Departments, and may include
14 in the program evaluation criteria such factors as the
15 percentage of Probation sentences for felons convicted of
16 Probationable offenses.

17 (k) seek the cooperation of local and State government
18 and private agencies to improve the quality of probation
19 and court services.

20 (l) where appropriate, establish programs and
21 corresponding standards designed to generally improve the
22 quality of probation and court services and reduce the rate
23 of adult or juvenile offenders committed to the Department
24 of Corrections.

25 (m) establish such other standards and regulations and
26 do all acts necessary to carry out the intent and purposes

1 of this Act.

2 The Division shall adopt a statewide juvenile detention
3 screening instrument that has been verified through
4 evidence-based and data-based practices that is to be used by
5 all authorized juvenile detention facilities. The scoring for
6 this screening tool may include, but is not limited to, the
7 following determinations or factors:

8 (i) the likelihood that the juvenile will appear in
9 court;

10 (ii) the severity of the charge against the juvenile;

11 (iii) whether the current incident involved violence
12 or a weapon, or the threat of or use of a weapon;

13 (iv) the number of prior interactions the juvenile has
14 with the juvenile justice system;

15 (v) whether prior incidents of the juvenile involved
16 violence or a weapon, or the threat of or use of a weapon;

17 (vi) whether there is a safe environment to return the
18 juvenile to; and

19 (vii) whether the family members of the juvenile would
20 feel safe if the juvenile returns to his or her home
21 environment.

22 This screening tool and its use shall be race and gender
23 neutral and shall include protections from all forms of bias.
24 The Division may recommend and adopt updates to the screening
25 tool and its usage on a regular basis.

26 The Division shall develop standards to implement the

1 Domestic Violence Surveillance Program established under
2 Section 5-8A-7 of the Unified Code of Corrections, including
3 (i) procurement of equipment and other services necessary to
4 implement the program and (ii) development of uniform standards
5 for the delivery of the program through county probation
6 departments, and develop standards for collecting data to
7 evaluate the impact and costs of the Domestic Violence
8 Surveillance Program.

9 The Division shall establish a model list of structured
10 intermediate sanctions that may be imposed by a probation
11 agency for violations of terms and conditions of a sentence of
12 probation, conditional discharge, or supervision.

13 The Division shall establish training standards for
14 continuing education of probation officers and supervisors and
15 broaden access to available training programs.

16 The State of Illinois shall provide for the costs of
17 personnel, travel, equipment, telecommunications, postage,
18 commodities, printing, space, contractual services and other
19 related costs necessary to carry out the intent of this Act.

20 (2)(a) The chief judge of each circuit shall provide
21 full-time probation services for all counties within the
22 circuit, in a manner consistent with the annual probation plan,
23 the standards, policies, and regulations established by the
24 Supreme Court. A probation district of two or more counties
25 within a circuit may be created for the purposes of providing
26 full-time probation services. Every county or group of counties

1 within a circuit shall maintain a probation department which
2 shall be under the authority of the Chief Judge of the circuit
3 or some other judge designated by the Chief Judge. The Chief
4 Judge, through the Probation and Court Services Department
5 shall submit annual plans to the Division for probation and
6 related services.

7 (b) The Chief Judge of each circuit shall appoint the Chief
8 Probation Officer and all other probation officers for his or
9 her circuit from lists of qualified applicants supplied by the
10 Supreme Court. Candidates for chief managing officer and other
11 probation officer positions must apply with both the Chief
12 Judge of the circuit and the Supreme Court.

13 (3) A Probation and Court Service Department shall apply to
14 the Supreme Court for funds for basic services, and may apply
15 for funds for new and expanded programs or Individualized
16 Services and Programs. Costs shall be reimbursed monthly based
17 on a plan and budget approved by the Supreme Court. No
18 Department may be reimbursed for costs which exceed or are not
19 provided for in the approved annual plan and budget. After the
20 effective date of this amendatory Act of 1985, each county must
21 provide basic services in accordance with the annual plan and
22 standards created by the division. No department may receive
23 funds for new or expanded programs or individualized services
24 and programs unless they are in compliance with standards as
25 enumerated in paragraph (h) of subsection (1) of this Section,
26 the annual plan, and standards for basic services.

1 (4) The Division shall reimburse the county or counties for
2 probation services as follows:

3 (a) 100% of the salary of all chief managing officers
4 designated as such by the Chief Judge and the division.

5 (b) 100% of the salary for all probation officer and
6 supervisor positions approved for reimbursement by the
7 division after April 1, 1984, to meet workload standards
8 and to implement intensive sanction and probation
9 supervision programs and other basic services as defined in
10 this Act.

11 (c) 100% of the salary for all secure detention
12 personnel and non-secure group home personnel approved for
13 reimbursement after December 1, 1990. For all such
14 positions approved for reimbursement before December 1,
15 1990, the counties shall be reimbursed \$1,250 per month
16 beginning July 1, 1995, and an additional \$250 per month
17 beginning each July 1st thereafter until the positions
18 receive 100% salary reimbursement. Allocation of such
19 positions will be based on comparative need considering
20 capacity, staff/resident ratio, physical plant and
21 program.

22 (d) \$1,000 per month for salaries for the remaining
23 probation officer positions engaged in basic services and
24 new or expanded services. All such positions shall be
25 approved by the division in accordance with this Act and
26 division standards.

1 (e) 100% of the travel expenses in accordance with
2 Division standards for all Probation positions approved
3 under paragraph (b) of subsection 4 of this Section.

4 (f) If the amount of funds reimbursed to the county
5 under paragraphs (a) through (e) of subsection 4 of this
6 Section on an annual basis is less than the amount the
7 county had received during the 12 month period immediately
8 prior to the effective date of this amendatory Act of 1985,
9 then the Division shall reimburse the amount of the
10 difference to the county. The effect of paragraph (b) of
11 subsection 7 of this Section shall be considered in
12 implementing this supplemental reimbursement provision.

13 (5) The Division shall provide funds beginning on April 1,
14 1987 for the counties to provide Individualized Services and
15 Programs as provided in Section 16 of this Act.

16 (6) A Probation and Court Services Department in order to
17 be eligible for the reimbursement must submit to the Supreme
18 Court an application containing such information and in such a
19 form and by such dates as the Supreme Court may require.
20 Departments to be eligible for funding must satisfy the
21 following conditions:

22 (a) The Department shall have on file with the Supreme
23 Court an annual Probation plan for continuing, improved,
24 and new Probation and Court Services Programs approved by
25 the Supreme Court or its designee. This plan shall indicate
26 the manner in which Probation and Court Services will be

1 delivered and improved, consistent with the minimum
2 standards and regulations for Probation and Court
3 Services, as established by the Supreme Court. In counties
4 with more than one Probation and Court Services Department
5 eligible to receive funds, all Departments within that
6 county must submit plans which are approved by the Supreme
7 Court.

8 (b) The annual probation plan shall seek to generally
9 improve the quality of probation services and to reduce the
10 commitment of adult offenders to the Department of
11 Corrections and to reduce the commitment of juvenile
12 offenders to the Department of Juvenile Justice and shall
13 require, when appropriate, coordination with the
14 Department of Corrections, the Department of Juvenile
15 Justice, and the Department of Children and Family Services
16 in the development and use of community resources,
17 information systems, case review and permanency planning
18 systems to avoid the duplication of services.

19 (c) The Department shall be in compliance with
20 standards developed by the Supreme Court for basic, new and
21 expanded services, training, personnel hiring and
22 promotion.

23 (d) The Department shall in its annual plan indicate
24 the manner in which it will support the rights of crime
25 victims and in which manner it will implement Article I,
26 Section 8.1 of the Illinois Constitution and in what manner

1 it will coordinate crime victims' support services with
2 other criminal justice agencies within its jurisdiction,
3 including but not limited to, the State's Attorney, the
4 Sheriff and any municipal police department.

5 (7) No statement shall be verified by the Supreme Court or
6 its designee or vouchered by the Comptroller unless each of the
7 following conditions have been met:

8 (a) The probation officer is a full-time employee
9 appointed by the Chief Judge to provide probation services.

10 (b) The probation officer, in order to be eligible for
11 State reimbursement, is receiving a salary of at least
12 \$17,000 per year.

13 (c) The probation officer is appointed or was
14 reappointed in accordance with minimum qualifications or
15 criteria established by the Supreme Court; however, all
16 probation officers appointed prior to January 1, 1978,
17 shall be exempted from the minimum requirements
18 established by the Supreme Court. Payments shall be made to
19 counties employing these exempted probation officers as
20 long as they are employed in the position held on the
21 effective date of this amendatory Act of 1985. Promotions
22 shall be governed by minimum qualifications established by
23 the Supreme Court.

24 (d) The Department has an established compensation
25 schedule approved by the Supreme Court. The compensation
26 schedule shall include salary ranges with necessary

1 increments to compensate each employee. The increments
2 shall, within the salary ranges, be based on such factors
3 as bona fide occupational qualifications, performance, and
4 length of service. Each position in the Department shall be
5 placed on the compensation schedule according to job duties
6 and responsibilities of such position. The policy and
7 procedures of the compensation schedule shall be made
8 available to each employee.

9 (8) In order to obtain full reimbursement of all approved
10 costs, each Department must continue to employ at least the
11 same number of probation officers and probation managers as
12 were authorized for employment for the fiscal year which
13 includes January 1, 1985. This number shall be designated as
14 the base amount of the Department. No positions approved by the
15 Division under paragraph (b) of subsection 4 will be included
16 in the base amount. In the event that the Department employs
17 fewer Probation officers and Probation managers than the base
18 amount for a period of 90 days, funding received by the
19 Department under subsection 4 of this Section may be reduced on
20 a monthly basis by the amount of the current salaries of any
21 positions below the base amount.

22 (9) Before the 15th day of each month, the treasurer of any
23 county which has a Probation and Court Services Department, or
24 the treasurer of the most populous county, in the case of a
25 Probation or Court Services Department funded by more than one
26 county, shall submit an itemized statement of all approved

1 costs incurred in the delivery of Basic Probation and Court
2 Services under this Act to the Supreme Court. The treasurer may
3 also submit an itemized statement of all approved costs
4 incurred in the delivery of new and expanded Probation and
5 Court Services as well as Individualized Services and Programs.
6 The Supreme Court or its designee shall verify compliance with
7 this Section and shall examine and audit the monthly statement
8 and, upon finding them to be correct, shall forward them to the
9 Comptroller for payment to the county treasurer. In the case of
10 payment to a treasurer of a county which is the most populous
11 of counties sharing the salary and expenses of a Probation and
12 Court Services Department, the treasurer shall divide the money
13 between the counties in a manner that reflects each county's
14 share of the cost incurred by the Department.

15 (10) The county treasurer must certify that funds received
16 under this Section shall be used solely to maintain and improve
17 Probation and Court Services. The county or circuit shall
18 remain in compliance with all standards, policies and
19 regulations established by the Supreme Court. If at any time
20 the Supreme Court determines that a county or circuit is not in
21 compliance, the Supreme Court shall immediately notify the
22 Chief Judge, county board chairman and the Director of Court
23 Services Chief Probation Officer. If after 90 days of written
24 notice the noncompliance still exists, the Supreme Court shall
25 be required to reduce the amount of monthly reimbursement by
26 10%. An additional 10% reduction of monthly reimbursement shall

1 occur for each consecutive month of noncompliance. Except as
2 provided in subsection 5 of Section 15, funding to counties
3 shall commence on April 1, 1986. Funds received under this Act
4 shall be used to provide for Probation Department expenses
5 including those required under Section 13 of this Act. The
6 Mandatory Arbitration Fund may be used to provide for Probation
7 Department expenses, including those required under Section 13
8 of this Act.

9 (11) The respective counties shall be responsible for
10 capital and space costs, fringe benefits, clerical costs,
11 equipment, telecommunications, postage, commodities and
12 printing.

13 (12) For purposes of this Act only, probation officers
14 shall be considered peace officers. In the exercise of their
15 official duties, probation officers, sheriffs, and police
16 officers may, anywhere within the State, arrest any probationer
17 who is in violation of any of the conditions of his or her
18 probation, conditional discharge, or supervision, and it shall
19 be the duty of the officer making the arrest to take the
20 probationer before the Court having jurisdiction over the
21 probationer for further order.

22 (Source: P.A. 100-91, eff. 8-11-17.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.