

**SB0845**



**99TH GENERAL ASSEMBLY**

**State of Illinois**

**2015 and 2016**

**SB0845**

Introduced 2/11/2015, by Sen. John G. Mulroe

**SYNOPSIS AS INTRODUCED:**

730 ILCS 110/16

from Ch. 38, par. 204-8

Amends the Probation and Probation Officers Act. Provides that for the plan year for State fiscal year 2016, the Division of Probation Services of the Supreme Court shall review the requirements of the annual plan and plan for individualized services and programs in order to streamline the plan and plan-approval process. Provides that the Division of Probation Services shall present this review to the Probation Advisory Council. Effective July 1, 2015.

LRB099 05983 RLC 26034 b

**A BILL FOR**

1 AN ACT concerning criminal law.

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

4 Section 5. The Probation and Probation Officers Act is  
5 amended by changing Section 16 as follows:

6 (730 ILCS 110/16) (from Ch. 38, par. 204-8)

7 Sec. 16. (1) The purpose of the Section is to encourage the  
8 development of a coordinated justice system. It is the  
9 legislative policy of the State to more effectively protect  
10 society, to promote efficiency and economy in the delivery of  
11 services to offenders and to encourage utilization of  
12 appropriate sentencing alternatives to imprisonment in State  
13 operated institutions. This Section shall be construed to  
14 support the development of local individualized programs which  
15 will:

16 (a) Provide a continuum of sanctions to increase sentencing  
17 options to the judiciary of the State;

18 (b) Enable the Courts to utilize programs which enhance the  
19 offender's ability to become a contributing member to his or  
20 her community and which will increase the benefits to victims  
21 and the communities through restitution;

22 (c) Increase sentencing alternatives for less serious  
23 felony offenders and delinquent juveniles in order to reserve

1 prisons and jail beds for serious violent offenders.

2 (2) Any local plan for implementation of individualized  
3 services and programs may include but are not limited to the  
4 following:

5 (a) Direct offender services - those services applied  
6 directly to offenders, including job readiness, educational,  
7 vocational, drug or alcohol treatment services; and

8 (b) Nonresidential rehabilitation programs - those  
9 programs which comprise a coordinated network within the  
10 justice system which expand sentencing options for the  
11 judiciary, including drunk driver diversion programs, public  
12 services employment, restitution collection; and

13 (c) Emergency services - including detoxification,  
14 emergency shelter and support; and

15 (d) Assessment and evaluation services - reports or  
16 diagnostic recommendations to provide the justice system with  
17 accurate individualized case information, including mental  
18 health, drug, alcohol, and living situation information; and

19 (e) Residential alternative sentencing programs - those  
20 programs which provide expanded sentencing options for less  
21 serious felony offenders and delinquent juveniles, including  
22 mother and child unification programs.

23 The local plan must be directed in such a manner as to  
24 emphasize an individualized approach to servicing offenders in  
25 a strong community based system including probation as the  
26 broker of services.

1           The local plan shall be limited to services and shall not  
2 include costs for:

- 3           (a) capital expenditures;
- 4           (b) renovations or remodeling;
- 5           (c) personnel costs for Probation.

6           (3) A county may make application to the Supreme Court for  
7 funds to provide for Individualized Services and Programs. The  
8 Department shall be in compliance with all standards and  
9 regulations established by the Division for the delivery of  
10 basic Services and application shall be part of the  
11 Department's annual Probation plan and shall set forth the  
12 following:

13           (a) a statement of objectives for which said funds shall be  
14 used;

15           (b) a statement of service needs based upon persons under  
16 supervision of the Department;

17           (c) a statement of the type of services and programs to  
18 provide for the individual needs of offenders;

19           (d) a budget indicating the costs of each service or  
20 program to be funded under the plan;

21           (e) a summary of contracts and service agreements  
22 indicating the treatment goals and number of offenders to be  
23 served by each service provider; and

24           (f) a statement indicating that the individualized  
25 services and programs will not be duplicating existing services  
26 and programs.

1 Funds for this plan shall not supplant existing county  
2 funded programs. The allocation of payments for adult and  
3 juvenile services under the local plan shall be based on the  
4 proportionate adult and juvenile workload of the department or  
5 departments covered by the local plan.

6 (4) A county or group of counties shall be eligible to  
7 apply for an amount of funding not to exceed the same  
8 proportionate share of total appropriations for Individualized  
9 Services and Programs as the county or group of counties  
10 received of total State reimbursements under subsection 4 of  
11 Section 15 of this Act or previous Probation subsidy programs  
12 in the prior State fiscal year. However the Supreme Court may  
13 waive this limitation to encourage the participation of rural  
14 counties.

15 The Supreme Court shall forward Individualized Services  
16 and Programs allocations to the county treasurer as provided in  
17 Section 15 of this Act. Each county shall receive, maintain,  
18 and appropriate said funds in a separate line item account of  
19 the probation department budget. In addition, the Supreme Court  
20 shall, upon approval of the annual plan, forward 20% of the  
21 approved Individualized Services and Programs allocations to  
22 the county treasurer to be deposited in said line item account.  
23 Subsequent allocations shall be made to the county on a monthly  
24 basis.

25 It shall be the responsibility of the county through the  
26 probation budget and in accordance with county policy and

1 procedure to make payments for Individualized Services and  
2 Programs.

3 At the end of the State of Illinois fiscal year, the county  
4 shall promptly return any uncommitted and unused funds from  
5 this account.

6 (5) The Supreme Court shall be responsible for the  
7 following:

8 (a) The Supreme Court may review each Individualized  
9 Services and Programs plan for compliance with standards  
10 established for such plans. A plan may be approved as  
11 submitted, approved with modifications, or rejected. No plan  
12 shall be considered for approval if the circuit or county is  
13 not in full compliance with all regulations, standards and  
14 guidelines pertaining to the delivery of basic probation  
15 services as established by the Supreme Court.

16 (b) The Supreme Court shall monitor on a continual basis  
17 and shall evaluate annually both the program and its fiscal  
18 activities in all counties receiving an allocation under  
19 Individualized Services and Programs. Any program or service  
20 which has not met the goals and objectives of its contract or  
21 service agreement shall be subject to denial for funding in  
22 subsequent years. The Supreme Court shall evaluate the  
23 effectiveness of Individualized Services and Programs in each  
24 circuit or county. In determining the future funding for  
25 Individualized Services and Programs under this Act, such  
26 evaluation shall include, as a primary indicator of success, an

1 increased or maintained percentage of probation sentences for  
2 felons convicted of probationable offenses.

3 (c) Any Individualized Services and Programs allocations  
4 not applied for and approved by the Supreme Court shall be  
5 available for redistribution to approved plans for the  
6 remainder of that fiscal year. Any county that invests local  
7 moneys in the Individualized Services and Programs shall be  
8 given first consideration for any redistribution of  
9 allocations.

10 (d) For the plan year for State fiscal year 2016, the  
11 Division of Probation Services of the Supreme Court shall  
12 review the requirements of the annual plan and plan for  
13 individualized services and programs in order to streamline the  
14 plan and plan-approval process. The Division of Probation  
15 Services shall present this review to the Probation Advisory  
16 Council.

17 (Source: P.A. 86-639.)

18 Section 99. Effective date. This Act takes effect July 1,  
19 2015.