

**SB3783**



**102ND GENERAL ASSEMBLY**

**State of Illinois**

**2021 and 2022**

**SB3783**

Introduced 1/21/2022, by Sen. John Connor

**SYNOPSIS AS INTRODUCED:**

730 ILCS 110/15

from Ch. 38, par. 204-7

Amends the Probation and Probation Officers Act. Provides that a probation or court services department shall receive reimbursement from the Division of Probation Services for the employment of part-time detention officers if the officers are fully qualified and trained, other than being part-time, in order to maintain staffing requirements. Effective immediately.

LRB102 25315 RLC 34589 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 15 as follows:

6 (730 ILCS 110/15) (from Ch. 38, par. 204-7)

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

12 (a) establish qualifications for chief probation  
13 officers and other probation and court services personnel  
14 as to hiring, promotion, and training.

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

19 (c) establish a means of verifying the conditions for  
20 reimbursement under this Act and develop criteria for  
21 approved costs for reimbursement.

22 (d) develop standards and approve employee  
23 compensation schedules for probation and court services

1 departments.

2 (e) employ sufficient personnel in the Division to  
3 carry out the functions of the Division.

4 (f) establish a system of training and establish  
5 standards for personnel orientation and training.

6 (g) develop standards for a system of record keeping  
7 for cases and programs, gather statistics, establish a  
8 system of uniform forms, and develop research for planning  
9 of Probation Services.

10 (h) develop standards to assure adequate support  
11 personnel, office space, equipment and supplies, travel  
12 expenses, and other essential items necessary for  
13 Probation and Court Services Departments to carry out  
14 their duties.

15 (i) review and approve annual plans submitted by  
16 Probation and Court Services Departments.

17 (j) monitor and evaluate all programs operated by  
18 Probation and Court Services Departments, and may include  
19 in the program evaluation criteria such factors as the  
20 percentage of Probation sentences for felons convicted of  
21 Probationable offenses.

22 (k) seek the cooperation of local and State government  
23 and private agencies to improve the quality of probation  
24 and court services.

25 (l) where appropriate, establish programs and  
26 corresponding standards designed to generally improve the

1 quality of probation and court services and reduce the  
2 rate of adult or juvenile offenders committed to the  
3 Department of Corrections.

4 (m) establish such other standards and regulations and  
5 do all acts necessary to carry out the intent and purposes  
6 of this Act.

7 The Division shall develop standards to implement the  
8 Domestic Violence Surveillance Program established under  
9 Section 5-8A-7 of the Unified Code of Corrections, including  
10 (i) procurement of equipment and other services necessary to  
11 implement the program and (ii) development of uniform  
12 standards for the delivery of the program through county  
13 probation departments, and develop standards for collecting  
14 data to evaluate the impact and costs of the Domestic Violence  
15 Surveillance Program.

16 The Division shall establish a model list of structured  
17 intermediate sanctions that may be imposed by a probation  
18 agency for violations of terms and conditions of a sentence of  
19 probation, conditional discharge, or supervision.

20 The Division shall establish training standards for  
21 continuing education of probation officers and supervisors and  
22 broaden access to available training programs.

23 The State of Illinois shall provide for the costs of  
24 personnel, travel, equipment, telecommunications, postage,  
25 commodities, printing, space, contractual services and other  
26 related costs necessary to carry out the intent of this Act.

1           (2)(a) The chief judge of each circuit shall provide  
2 full-time probation services for all counties within the  
3 circuit, in a manner consistent with the annual probation  
4 plan, the standards, policies, and regulations established by  
5 the Supreme Court. A probation district of two or more  
6 counties within a circuit may be created for the purposes of  
7 providing full-time probation services. Every county or group  
8 of counties within a circuit shall maintain a probation  
9 department which shall be under the authority of the Chief  
10 Judge of the circuit or some other judge designated by the  
11 Chief Judge. The Chief Judge, through the Probation and Court  
12 Services Department shall submit annual plans to the Division  
13 for probation and related services.

14           (b) The Chief Judge of each circuit shall appoint the  
15 Chief Probation Officer and all other probation officers for  
16 his or her circuit from lists of qualified applicants supplied  
17 by the Supreme Court. Candidates for chief managing officer  
18 and other probation officer positions must apply with both the  
19 Chief Judge of the circuit and the Supreme Court.

20           (3) A Probation and Court Service Department shall apply  
21 to the Supreme Court for funds for basic services, and may  
22 apply for funds for new and expanded programs or  
23 Individualized Services and Programs. Costs shall be  
24 reimbursed monthly based on a plan and budget approved by the  
25 Supreme Court. No Department may be reimbursed for costs which  
26 exceed or are not provided for in the approved annual plan and

1 budget. After the effective date of this amendatory Act of  
2 1985, each county must provide basic services in accordance  
3 with the annual plan and standards created by the division. No  
4 department may receive funds for new or expanded programs or  
5 individualized services and programs unless they are in  
6 compliance with standards as enumerated in paragraph (h) of  
7 subsection (1) of this Section, the annual plan, and standards  
8 for basic services.

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

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

13 (b) 100% of the salary for all probation officer and  
14 supervisor positions approved for reimbursement by the  
15 division after April 1, 1984, to meet workload standards  
16 and to implement intensive sanction and probation  
17 supervision programs and other basic services as defined  
18 in this Act.

19 (c) 100% of the salary for all secure detention  
20 personnel and non-secure group home personnel approved for  
21 reimbursement after December 1, 1990. For all such  
22 positions approved for reimbursement before December 1,  
23 1990, the counties shall be reimbursed \$1,250 per month  
24 beginning July 1, 1995, and an additional \$250 per month  
25 beginning each July 1st thereafter until the positions  
26 receive 100% salary reimbursement. Allocation of such

1 positions will be based on comparative need considering  
2 capacity, staff/resident ratio, physical plant and  
3 program.

4 (d) \$1,000 per month for salaries for the remaining  
5 probation officer positions engaged in basic services and  
6 new or expanded services. All such positions shall be  
7 approved by the division in accordance with this Act and  
8 division standards.

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

12 (f) If the amount of funds reimbursed to the county  
13 under paragraphs (a) through (e) of subsection 4 of this  
14 Section on an annual basis is less than the amount the  
15 county had received during the 12 month period immediately  
16 prior to the effective date of this amendatory Act of  
17 1985, then the Division shall reimburse the amount of the  
18 difference to the county. The effect of paragraph (b) of  
19 subsection 7 of this Section shall be considered in  
20 implementing this supplemental reimbursement provision.

21 (5) The Division shall provide funds beginning on April 1,  
22 1987 for the counties to provide Individualized Services and  
23 Programs as provided in Section 16 of this Act.

24 (6) A Probation and Court Services Department in order to  
25 be eligible for the reimbursement must submit to the Supreme  
26 Court an application containing such information and in such a

1 form and by such dates as the Supreme Court may require.  
2 Departments to be eligible for funding must satisfy the  
3 following conditions:

4 (a) The Department shall have on file with the Supreme  
5 Court an annual Probation plan for continuing, improved,  
6 and new Probation and Court Services Programs approved by  
7 the Supreme Court or its designee. This plan shall  
8 indicate the manner in which Probation and Court Services  
9 will be delivered and improved, consistent with the  
10 minimum standards and regulations for Probation and Court  
11 Services, as established by the Supreme Court. In counties  
12 with more than one Probation and Court Services Department  
13 eligible to receive funds, all Departments within that  
14 county must submit plans which are approved by the Supreme  
15 Court.

16 (b) The annual probation plan shall seek to generally  
17 improve the quality of probation services and to reduce  
18 the commitment of adult offenders to the Department of  
19 Corrections and to reduce the commitment of juvenile  
20 offenders to the Department of Juvenile Justice and shall  
21 require, when appropriate, coordination with the  
22 Department of Corrections, the Department of Juvenile  
23 Justice, and the Department of Children and Family  
24 Services in the development and use of community  
25 resources, information systems, case review and permanency  
26 planning systems to avoid the duplication of services.



1           (c) The Department shall be in compliance with  
2 standards developed by the Supreme Court for basic, new  
3 and expanded services, training, personnel hiring and  
4 promotion.

5           (d) The Department shall in its annual plan indicate  
6 the manner in which it will support the rights of crime  
7 victims and in which manner it will implement Article I,  
8 Section 8.1 of the Illinois Constitution and in what  
9 manner it will coordinate crime victims' support services  
10 with other criminal justice agencies within its  
11 jurisdiction, including but not limited to, the State's  
12 Attorney, the Sheriff and any municipal police department.

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

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

19           (b) The probation officer, in order to be eligible for  
20 State reimbursement, is receiving a salary of at least  
21 \$17,000 per year.

22           (c) The probation officer is appointed or was  
23 reappointed in accordance with minimum qualifications or  
24 criteria established by the Supreme Court; however, all  
25 probation officers appointed prior to January 1, 1978,  
26 shall be exempted from the minimum requirements

1 established by the Supreme Court. Payments shall be made  
2 to counties employing these exempted probation officers as  
3 long as they are employed in the position held on the  
4 effective date of this amendatory Act of 1985. Promotions  
5 shall be governed by minimum qualifications established by  
6 the Supreme Court.

7 (d) The Department has an established compensation  
8 schedule approved by the Supreme Court. The compensation  
9 schedule shall include salary ranges with necessary  
10 increments to compensate each employee. The increments  
11 shall, within the salary ranges, be based on such factors  
12 as bona fide occupational qualifications, performance, and  
13 length of service. Each position in the Department shall  
14 be placed on the compensation schedule according to job  
15 duties and responsibilities of such position. The policy  
16 and procedures of the compensation schedule shall be made  
17 available to each employee.

18 (e) The Department shall receive reimbursement for the  
19 employment of part-time detention officers if the officers  
20 are fully qualified and trained, other than being  
21 part-time, in order to maintain staffing requirements.

22 (8) In order to obtain full reimbursement of all approved  
23 costs, each Department must continue to employ at least the  
24 same number of probation officers and probation managers as  
25 were authorized for employment for the fiscal year which  
26 includes January 1, 1985. This number shall be designated as

1 the base amount of the Department. No positions approved by  
2 the Division under paragraph (b) of subsection 4 will be  
3 included in the base amount. In the event that the Department  
4 employs fewer Probation officers and Probation managers than  
5 the base amount for a period of 90 days, funding received by  
6 the Department under subsection 4 of this Section may be  
7 reduced on a monthly basis by the amount of the current  
8 salaries of any positions below the base amount.

9 (9) Before the 15th day of each month, the treasurer of any  
10 county which has a Probation and Court Services Department, or  
11 the treasurer of the most populous county, in the case of a  
12 Probation or Court Services Department funded by more than one  
13 county, shall submit an itemized statement of all approved  
14 costs incurred in the delivery of Basic Probation and Court  
15 Services under this Act to the Supreme Court. The treasurer  
16 may also submit an itemized statement of all approved costs  
17 incurred in the delivery of new and expanded Probation and  
18 Court Services as well as Individualized Services and  
19 Programs. The Supreme Court or its designee shall verify  
20 compliance with this Section and shall examine and audit the  
21 monthly statement and, upon finding them to be correct, shall  
22 forward them to the Comptroller for payment to the county  
23 treasurer. In the case of payment to a treasurer of a county  
24 which is the most populous of counties sharing the salary and  
25 expenses of a Probation and Court Services Department, the  
26 treasurer shall divide the money between the counties in a

1 manner that reflects each county's share of the cost incurred  
2 by the Department.

3 (10) The county treasurer must certify that funds received  
4 under this Section shall be used solely to maintain and  
5 improve Probation and Court Services. The county or circuit  
6 shall remain in compliance with all standards, policies and  
7 regulations established by the Supreme Court. If at any time  
8 the Supreme Court determines that a county or circuit is not in  
9 compliance, the Supreme Court shall immediately notify the  
10 Chief Judge, county board chairman and the Director of Court  
11 Services Chief Probation Officer. If after 90 days of written  
12 notice the noncompliance still exists, the Supreme Court shall  
13 be required to reduce the amount of monthly reimbursement by  
14 10%. An additional 10% reduction of monthly reimbursement  
15 shall occur for each consecutive month of noncompliance.  
16 Except as provided in subsection 5 of Section 15, funding to  
17 counties shall commence on April 1, 1986. Funds received under  
18 this Act shall be used to provide for Probation Department  
19 expenses including those required under Section 13 of this  
20 Act. The Mandatory Arbitration Fund may be used to provide for  
21 Probation Department expenses, including those required under  
22 Section 13 of this Act.

23 (11) The respective counties shall be responsible for  
24 capital and space costs, fringe benefits, clerical costs,  
25 equipment, telecommunications, postage, commodities and  
26 printing.

1           (12) For purposes of this Act only, probation officers  
2 shall be considered peace officers. In the exercise of their  
3 official duties, probation officers, sheriffs, and police  
4 officers may, anywhere within the State, arrest any  
5 probationer who is in violation of any of the conditions of his  
6 or her probation, conditional discharge, or supervision, and  
7 it shall be the duty of the officer making the arrest to take  
8 the probationer before the Court having jurisdiction over the  
9 probationer for further order.

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

11           Section 99. Effective date. This Act takes effect upon  
12 becoming law.