

1 AN ACT in relation to criminal law.

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 Section 6-1 as follows:

6 (705 ILCS 405/6-1) (from Ch. 37, par. 806-1)

7 Sec. 6-1. Probation departments; functions and duties.

8 (1) The chief judge of each circuit shall make provision
9 for probation services for each county in his or her circuit.
10 The appointment of officers to probation or court services
11 departments and the administration of such departments shall
12 be governed by the provisions of the Probation and Probation
13 Officers Act.

14 (2) Every county or every group of counties constituting
15 a probation district shall maintain a court services or
16 probation department subject to the provisions of the
17 Probation and Probation Officers Act. For the purposes of
18 this Act, such a court services or probation department has,
19 but is not limited to, the following powers and duties:

20 (a) When authorized or directed by the court, to
21 receive, investigate and evaluate complaints indicating
22 dependency, requirement of authoritative intervention,
23 addiction or delinquency within the meaning of Sections
24 2-3, 2-4, 3-3, 4-3 or 5-105, respectively; to determine
25 or assist the complainant in determining whether a
26 petition should be filed under Sections 2-13, 3-15, 4-12
27 or 5-520 or whether referral should be made to an agency,
28 association or other person or whether some other action
29 is advisable; and to see that the indicating filing,
30 referral or other action is accomplished. However, no
31 such investigation, evaluation or supervision by such

1 court services or probation department is to occur with
2 regard to complaints indicating only that a minor may be
3 a chronic or habitual truant.

4 (b) When a petition is filed under Section 2-13,
5 3-15, 4-15 or 5-520, to make pre-hearing investigations
6 and formulate recommendations to the court when the court
7 has authorized or directed the department to do so.

8 (c) To counsel and, by order of the court, to
9 supervise minors referred to the court; to conduct
10 indicated programs of casework, including referrals for
11 medical and mental health service, organized recreation
12 and job placement for wards of the court and, when
13 appropriate, for members of the family of a ward; to act
14 as liaison officer between the court and agencies or
15 associations to which minors are referred or through
16 which they are placed; when so appointed, to serve as
17 guardian of the person of a ward of the court; to provide
18 probation supervision and protective supervision ordered
19 by the court; and to provide like services to wards and
20 probationers of courts in other counties or jurisdictions
21 who have lawfully become local residents.

22 (d) To arrange for placements pursuant to court
23 order.

24 (e) To assume administrative responsibility for
25 such detention, shelter care and other institutions for
26 minors as the court may operate.

27 (f) To maintain an adequate system of case records,
28 statistical records, and financial records related to
29 juvenile detention and shelter care and to make reports
30 to the court and other authorized persons, and to the
31 Supreme Court pursuant to the Probation and Probation
32 Officers Act.

33 (g) To perform such other services as may be
34 appropriate to effectuate the purposes of this Act or as

1 may be directed by any order of court made under this
2 Act.

3 (3) The court services or probation department in any
4 probation district or county having less than 1,000,000
5 inhabitants, or any personnel of the department, may be
6 required by the circuit court to render services to the court
7 in other matters as well as proceedings under this Act.

8 (4) In any county or probation district, a probation
9 department may be established as a separate division of a
10 more inclusive department of court services, with any
11 appropriate divisional designation. The organization of any
12 such department of court services and the appointment of
13 officers and other personnel must comply with the Probation
14 and Probations Officers Act.

15 (5) For purposes of this Act only, probation officers
16 appointed to probation or court services departments shall be
17 considered peace officers. In the exercise of their official
18 duties, probation officers, sheriffs, and police officers
19 may, anywhere within the State, arrest any minor who is in
20 violation of any of the conditions of his or her probation,
21 continuance under supervision, or informal supervision, and
22 it shall be the duty of the officer making the arrest to take
23 the minor before the court having jurisdiction over the minor
24 for further action.

25 (Source: P.A. 90-590, eff. 1-1-99; 91-357, eff. 7-29-99.)

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

28 (730 ILCS 110/15) (from Ch. 38, par. 204-7)

29 Sec. 15. (1) The Supreme Court of Illinois may establish
30 a Division of Probation Services whose purpose shall be the
31 development, establishment, promulgation, and enforcement of
32 uniform standards for probation services in this State, and

1 to otherwise carry out the intent of this Act. The Division
2 may:

3 (a) establish qualifications for chief probation
4 officers and other probation and court services personnel
5 as to hiring, promotion, and training.

6 (b) make available, on a timely basis, lists of
7 those applicants whose qualifications meet the
8 regulations referred to herein, including on said lists
9 all candidates found qualified.

10 (c) establish a means of verifying the conditions
11 for reimbursement under this Act and develop criteria for
12 approved costs for reimbursement.

13 (d) develop standards and approve employee
14 compensation schedules for probation and court services
15 departments.

16 (e) employ sufficient personnel in the Division to
17 carry out the functions of the Division.

18 (f) establish a system of training and establish
19 standards for personnel orientation and training.

20 (g) develop standards for a system of record
21 keeping for cases and programs, gather statistics,
22 establish a system of uniform forms, and develop research
23 for planning of Probation Services.

24 (h) develop standards to assure adequate support
25 personnel, office space, equipment and supplies, travel
26 expenses, and other essential items necessary for
27 Probation and Court Services Departments to carry out
28 their duties.

29 (i) review and approve annual plans submitted by
30 Probation and Court Services Departments.

31 (j) monitor and evaluate all programs operated by
32 Probation and Court Services Departments, and may include
33 in the program evaluation criteria such factors as the
34 percentage of Probation sentences for felons convicted of

1 Probationable offenses.

2 (k) seek the cooperation of local and State
3 government and private agencies to improve the quality of
4 probation and court services.

5 (l) where appropriate, establish programs and
6 corresponding standards designed to generally improve the
7 quality of probation and court services and reduce the
8 rate of adult or juvenile offenders committed to the
9 Department of Corrections.

10 (m) establish such other standards and regulations
11 and do all acts necessary to carry out the intent and
12 purposes of this Act.

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

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

21 (2) (a) The chief judge of each circuit shall provide
22 full-time probation services for all counties within the
23 circuit, in a manner consistent with the annual probation
24 plan, the standards, policies, and regulations established by
25 the Supreme Court. A probation district of two or more
26 counties within a circuit may be created for the purposes of
27 providing full-time probation services. Every county or group
28 of counties within a circuit shall maintain a probation
29 department which shall be under the authority of the Chief
30 Judge of the circuit or some other judge designated by the
31 Chief Judge. The Chief Judge, through the Probation and Court
32 Services Department shall submit annual plans to the Division
33 for probation and related services.

34 (b) The Chief Judge of each circuit shall appoint the

1 Chief Probation Officer and all other probation officers for
2 his or her circuit from lists of qualified applicants
3 supplied by the Supreme Court. Candidates for chief managing
4 officer and other probation officer positions must apply with
5 both the Chief Judge of the circuit and the Supreme Court.

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

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

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

26 (b) 100% of the salary for all probation officer
27 and supervisor positions approved for reimbursement by
28 the division after April 1, 1984, to meet workload
29 standards and to implement intensive sanction and
30 probation supervision programs and other basic services
31 as defined in this Act.

32 (c) 100% of the salary for all secure detention
33 personnel and non-secure group home personnel approved
34 for reimbursement after December 1, 1990. For all such

1 positions approved for reimbursement before December 1,
2 1990, the counties shall be reimbursed \$1,250 per month
3 beginning July 1, 1995, and an additional \$250 per month
4 beginning each July 1st thereafter until the positions
5 receive 100% salary reimbursement. Allocation of such
6 positions will be based on comparative need considering
7 capacity, staff/resident ratio, physical plant and
8 program.

9 (d) \$1,000 per month for salaries for the remaining
10 probation officer positions engaged in basic services and
11 new or expanded services. All such positions shall be
12 approved by the division in accordance with this Act and
13 division standards.

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

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

27 (5) The Division shall provide funds beginning on April
28 1, 1987 for the counties to provide Individualized Services
29 and Programs as provided in Section 16 of this Act.

30 (6) A Probation and Court Services Department in order
31 to be eligible for the reimbursement must submit to the
32 Supreme Court an application containing such information and
33 in such a form and by such dates as the Supreme Court may
34 require. Departments to be eligible for funding must satisfy

1 the following conditions:

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

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

24 (c) The Department shall be in compliance with
25 standards developed by the Supreme Court for basic, new
26 and expanded services, training, personnel hiring and
27 promotion.

28 (d) The Department shall in its annual plan
29 indicate the manner in which it will support the rights
30 of crime victims and in which manner it will implement
31 Article I, Section 8.1 of the Illinois Constitution and
32 in what manner it will coordinate crime victims' support
33 services with other criminal justice agencies within its
34 jurisdiction, including but not limited to, the State's

1 Attorney, the Sheriff and any municipal police
2 department.

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

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

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

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

23 (d) The Department has an established compensation
24 schedule approved by the Supreme Court. The compensation
25 schedule shall include salary ranges with necessary
26 increments to compensate each employee. The increments
27 shall, within the salary ranges, be based on such factors
28 as bona fide occupational qualifications, performance,
29 and length of service. Each position in the Department
30 shall be placed on the compensation schedule according to
31 job duties and responsibilities of such position. The
32 policy and procedures of the compensation schedule shall
33 be made available to each employee.

34 (8) In order to obtain full reimbursement of all

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

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

34 (10) The county treasurer must certify that funds

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

18 (11) The respective counties shall be responsible for
19 capital and space costs, fringe benefits, clerical costs,
20 equipment, telecommunications, postage, commodities and
21 printing.

22 (12) For purposes of this Act only, probation officers
23 shall be considered peace officers. In the exercise of their
24 official duties, ~~probation officers, sheriffs, and police~~
25 officers may, anywhere within the State, arrest any
26 probationer who is in violation of any of the conditions of
27 his or her probation, conditional discharge, or supervision,
28 and it shall be the duty of the officer making the arrest to
29 take the said probationer before the Court having
30 jurisdiction over the probationer ~~him~~ for further order.

31 (Source: P.A. 89-198, eff. 7-21-95; 89-390, eff. 8-20-95;
32 89-626, eff. 8-9-96.)