



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB2614

Introduced 2/18/2005, by Rep. Robert S. Molaro

SYNOPSIS AS INTRODUCED:

730 ILCS 110/15

from Ch. 38, par. 204-7

Amends the Probation and Probation Officers Act. Requires each probation officer to receive at least 30 hours per year of training or continuing education beginning January 1, 2007, provided that such training or continuing education programs have been approved in advance by the Division of Probation Services.

LRB094 07594 RXD 37766 b

FISCAL NOTE ACT
MAY APPLY

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
24 departments.

25 (e) employ sufficient personnel in the Division to
26 carry out the functions of the Division.

27 (f) establish a system of training and establish
28 standards for personnel orientation and training.

29 (g) develop standards for a system of record keeping
30 for cases and programs, gather statistics, establish a
31 system of uniform forms, and develop research for planning
32 of Probation Services.

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

6 (i) review and approve annual plans submitted by
7 Probation and Court Services Departments.

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

13 (k) seek the cooperation of local and State government
14 and private agencies to improve the quality of probation
15 and court services.

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

21 (m) establish such other standards and regulations and
22 do all acts necessary to carry out the intent and purposes
23 of this Act.

24 The Division shall establish a model list of structured
25 intermediate sanctions that may be imposed by a probation
26 agency for violations of terms and conditions of a sentence of
27 probation, conditional discharge, or supervision.

28 The State of Illinois shall provide for the costs of
29 personnel, travel, equipment, telecommunications, postage,
30 commodities, printing, space, contractual services and other
31 related costs necessary to carry out the intent of this Act.

32 (2) (a) The chief judge of each circuit shall provide
33 full-time probation services for all counties within the
34 circuit, in a manner consistent with the annual probation plan,
35 the standards, policies, and regulations established by the
36 Supreme Court. A probation district of two or more counties

1 within a circuit may be created for the purposes of providing
2 full-time probation services. Every county or group of counties
3 within a circuit shall maintain a probation department which
4 shall be under the authority of the Chief Judge of the circuit
5 or some other judge designated by the Chief Judge. The Chief
6 Judge, through the Probation and Court Services Department
7 shall submit annual plans to the Division for probation and
8 related services.

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

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

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

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

33 (b) 100% of the salary for all probation officer and
34 supervisor positions approved for reimbursement by the
35 division after April 1, 1984, to meet workload standards
36 and to implement intensive sanction and probation

1 supervision programs and other basic services as defined in
2 this Act.

3 (c) 100% of the salary for all secure detention
4 personnel and non-secure group home personnel approved for
5 reimbursement after December 1, 1990. For all such
6 positions approved for reimbursement before December 1,
7 1990, the counties shall be reimbursed \$1,250 per month
8 beginning July 1, 1995, and an additional \$250 per month
9 beginning each July 1st thereafter until the positions
10 receive 100% salary reimbursement. Allocation of such
11 positions will be based on comparative need considering
12 capacity, staff/resident ratio, physical plant and
13 program.

14 (d) \$1,000 per month for salaries for the remaining
15 probation officer positions engaged in basic services and
16 new or expanded services. All such positions shall be
17 approved by the division in accordance with this Act and
18 division standards.

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

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

31 (5) The Division shall provide funds beginning on April 1,
32 1987 for the counties to provide Individualized Services and
33 Programs as provided in Section 16 of this Act.

34 (6) A Probation and Court Services Department in order to
35 be eligible for the reimbursement must submit to the Supreme
36 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 indicate
8 the manner in which Probation and Court Services will be
9 delivered and improved, consistent with the minimum
10 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 the
18 commitment of adult and juvenile offenders to the
19 Department of Corrections and shall require, when
20 appropriate, coordination with the Department of
21 Corrections and the Department of Children and Family
22 Services in the development and use of community resources,
23 information systems, case review and permanency planning
24 systems to avoid the duplication of services.

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

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

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

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

6 (b) The probation officer, in order to be eligible for
7 State reimbursement, is receiving a salary of at least
8 \$17,000 per year.

9 (c) The probation officer is appointed or was
10 reappointed in accordance with minimum qualifications or
11 criteria established by the Supreme Court; however, all
12 probation officers appointed prior to January 1, 1978,
13 shall be exempted from the minimum requirements
14 established by the Supreme Court. Payments shall be made to
15 counties employing these exempted probation officers as
16 long as they are employed in the position held on the
17 effective date of this amendatory Act of 1985. Promotions
18 shall be governed by minimum qualifications established by
19 the Supreme Court. Beginning January 1, 2007, such minimum
20 qualifications shall include at least 30 hours per year of
21 training or continuing education, provided that such
22 training or continuing education programs have been
23 approved in advance by the Division of Probation Services.

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
27 increments to compensate each employee. The increments
28 shall, within the salary ranges, be based on such factors
29 as bona fide occupational qualifications, performance, and
30 length of service. Each position in the Department shall be
31 placed on the compensation schedule according to job duties
32 and responsibilities of such position. The policy and
33 procedures of the compensation schedule shall be made
34 available to each employee.

35 (8) In order to obtain full reimbursement of all approved
36 costs, each Department must continue to employ at least the

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

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

31 (10) The county treasurer must certify that funds received
32 under this Section shall be used solely to maintain and improve
33 Probation and Court Services. The county or circuit shall
34 remain in compliance with all standards, policies and
35 regulations established by the Supreme Court. If at any time
36 the Supreme Court determines that a county or circuit is not in

1 compliance, the Supreme Court shall immediately notify the
2 Chief Judge, county board chairman and the Director of Court
3 Services Chief Probation Officer. If after 90 days of written
4 notice the noncompliance still exists, the Supreme Court shall
5 be required to reduce the amount of monthly reimbursement by
6 10%. An additional 10% reduction of monthly reimbursement shall
7 occur for each consecutive month of noncompliance. Except as
8 provided in subsection 5 of Section 15, funding to counties
9 shall commence on April 1, 1986. Funds received under this Act
10 shall be used to provide for Probation Department expenses
11 including those required under Section 13 of this Act. For
12 State fiscal years 2004 and 2005 only, the Mandatory
13 Arbitration Fund may be used to provide for Probation
14 Department expenses, including those required under Section 13
15 of this Act.

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

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

29 (13) Beginning January 1, 2007, each probation officer
30 shall receive at least 30 hours per year of training or
31 continuing education, provided that such training or
32 continuing education programs have been approved in advance by
33 the Division of Probation Services.

34 (Source: P.A. 93-25, eff. 6-20-03; 93-576, eff. 1-1-04; 93-839,
35 eff. 7-30-04.)