

SB0529



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB0529

Introduced 2/8/2007, by Sen. Kwame Raoul

SYNOPSIS AS INTRODUCED:

730 ILCS 110/15

from Ch. 38, par. 204-7

Amends the Probation and Probation Officers Act. Provides that, beginning January 1, 2008, each probation officer shall receive at least 30 hours per year in training or continuing education in a training or continuing education program approved in advance by the Division of Probation Services.

LRB095 05140 RLC 25211 b

FISCAL NOTE ACT
MAY APPLY

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 their
14 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 rate
2 of adult or juvenile offenders committed to the Department
3 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 establish a model list of structured
8 intermediate sanctions that may be imposed by a probation
9 agency for violations of terms and conditions of a sentence of
10 probation, conditional discharge, or supervision.

11 The State of Illinois shall provide for the costs of
12 personnel, travel, equipment, telecommunications, postage,
13 commodities, printing, space, contractual services and other
14 related costs necessary to carry out the intent of this Act.

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

1 related services.

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

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

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

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

26 (b) 100% of the salary for all probation officer and

1 supervisor positions approved for reimbursement by the
2 division after April 1, 1984, to meet workload standards
3 and to implement intensive sanction and probation
4 supervision programs and other basic services as defined in
5 this Act.

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

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

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

25 (f) If the amount of funds reimbursed to the county
26 under paragraphs (a) through (e) of subsection 4 of this

1 Section on an annual basis is less than the amount the
2 county had received during the 12 month period immediately
3 prior to the effective date of this amendatory Act of 1985,
4 then the Division shall reimburse the amount of the
5 difference to the county. The effect of paragraph (b) of
6 subsection 7 of this Section shall be considered in
7 implementing this supplemental reimbursement provision.

8 (5) The Division shall provide funds beginning on April 1,
9 1987 for the counties to provide Individualized Services and
10 Programs as provided in Section 16 of this Act.

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

17 (a) The Department shall have on file with the Supreme
18 Court an annual Probation plan for continuing, improved,
19 and new Probation and Court Services Programs approved by
20 the Supreme Court or its designee. This plan shall indicate
21 the manner in which Probation and Court Services will be
22 delivered and improved, consistent with the minimum
23 standards and regulations for Probation and Court
24 Services, as established by the Supreme Court. In counties
25 with more than one Probation and Court Services Department
26 eligible to receive funds, all Departments within that

1 county must submit plans which are approved by the Supreme
2 Court.

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

14 (c) The Department shall be in compliance with
15 standards developed by the Supreme Court for basic, new and
16 expanded services, training, personnel hiring and
17 promotion.

18 (d) The Department shall in its annual plan indicate
19 the manner in which it will support the rights of crime
20 victims and in which manner it will implement Article I,
21 Section 8.1 of the Illinois Constitution and in what manner
22 it will coordinate crime victims' support services with
23 other criminal justice agencies within its jurisdiction,
24 including but not limited to, the State's Attorney, the
25 Sheriff and any municipal police department.

26 (7) No statement shall be verified by the Supreme Court or

1 its designee or vouchered by the Comptroller unless each of the
2 following conditions have been met:

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

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

8 (c) The probation officer is appointed or was
9 reappointed in accordance with minimum qualifications or
10 criteria established by the Supreme Court; however, all
11 probation officers appointed prior to January 1, 1978,
12 shall be exempted from the minimum requirements
13 established by the Supreme Court. Payments shall be made to
14 counties employing these exempted probation officers as
15 long as they are employed in the position held on the
16 effective date of this amendatory Act of 1985. Promotions
17 shall be governed by minimum qualifications established by
18 the Supreme Court. Beginning January 1, 2008, such minimum
19 qualifications shall include at least 30 hours per year in
20 training or continuing education, provided that such
21 training or continuing education programs have been
22 approved in advance by the Division of Probation Services.

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

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

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

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

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

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

1 provided in subsection 5 of Section 15, funding to counties
2 shall commence on April 1, 1986. Funds received under this Act
3 shall be used to provide for Probation Department expenses
4 including those required under Section 13 of this Act. For
5 State fiscal years 2004, 2005, 2006, and 2007 only, 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 (13) Beginning January 1, 2008, each probation officer
23 shall receive at least 30 hours per year in training or
24 continuing education, provided that such training or
25 continuing education programs have been approved in advance by
26 the Division of Probation Services.

1 (Source: P.A. 93-25, eff. 6-20-03; 93-576, eff. 1-1-04; 93-839,
2 eff. 7-30-04; 94-91, eff. 7-1-05; 94-696, eff. 6-1-06; 94-839,
3 eff. 6-6-06.)