



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB2660

Introduced 2/20/2009, by Rep. Suzanne Bassi - Tom Cross -
Patricia R. Bellock - Elizabeth Coulson

SYNOPSIS AS INTRODUCED:

See Index

Amends the State Finance Act. Repeals the Domestic Violence Surveillance Fund. Amends the Code of Criminal Procedure of 1963. Provides that when a person is charged with a violation of an order of protection, the court may, in its discretion (rather than shall), order the respondent to undergo a risk assessment evaluation if certain conditions are present. Amends the Unified Code of Corrections. Provides that under the Domestic Violence Surveillance Program, the best available technology must have real-time and interactive capabilities that facilitate the following objectives: (1) immediate notification to the supervising authority of a breach of a court ordered exclusion zone; (2) notification of the breach to the offender; and (3) communication between the supervising authority, law enforcement, and the victim, regarding the breach. Changes the protective order violation fines to fees. Provides that the supervising authority of a domestic violence surveillance program shall assess a person either convicted of, or charged with, the violation of an order of protection an additional fee to cover the costs of providing the equipment used and the additional supervision needed for such domestic violence surveillance program. Provides that if the court finds that the fee would impose an undue burden on the victim, the court may reduce or waive the fee. Provides that the court shall order that the defendant may not use funds belonging solely to the victim of the offense for payment of the fee. Amends the Probation and Probation Officers Act. Provides that the Division of Probation Services shall (rather than may) develop standards to implement the Domestic Violence Surveillance Program and shall develop standards for collecting data to evaluate the impact and costs of the Domestic Violence Surveillance Program. Effective immediately.

LRB096 08967 RLC 19105 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 (30 ILCS 105/5.710 rep.)

5 Section 5. The State Finance Act is amended by repealing
6 Section 5.710 added by Public Act 95-773.

7 Section 10. The Code of Criminal Procedure of 1963 is
8 amended by changing Section 110-5 as follows:

9 (725 ILCS 5/110-5) (from Ch. 38, par. 110-5)

10 Sec. 110-5. Determining the amount of bail and conditions
11 of release.

12 (a) In determining the amount of monetary bail or
13 conditions of release, if any, which will reasonably assure the
14 appearance of a defendant as required or the safety of any
15 other person or the community and the likelihood of compliance
16 by the defendant with all the conditions of bail, the court
17 shall, on the basis of available information, take into account
18 such matters as the nature and circumstances of the offense
19 charged, whether the evidence shows that as part of the offense
20 there was a use of violence or threatened use of violence,
21 whether the offense involved corruption of public officials or
22 employees, whether there was physical harm or threats of

1 physical harm to any public official, public employee, judge,
2 prosecutor, juror or witness, senior citizen, child or
3 handicapped person, whether evidence shows that during the
4 offense or during the arrest the defendant possessed or used a
5 firearm, machine gun, explosive or metal piercing ammunition or
6 explosive bomb device or any military or paramilitary armament,
7 whether the evidence shows that the offense committed was
8 related to or in furtherance of the criminal activities of an
9 organized gang or was motivated by the defendant's membership
10 in or allegiance to an organized gang, the condition of the
11 victim, any written statement submitted by the victim or
12 proffer or representation by the State regarding the impact
13 which the alleged criminal conduct has had on the victim and
14 the victim's concern, if any, with further contact with the
15 defendant if released on bail, whether the offense was based on
16 racial, religious, sexual orientation or ethnic hatred, the
17 likelihood of the filing of a greater charge, the likelihood of
18 conviction, the sentence applicable upon conviction, the
19 weight of the evidence against such defendant, whether there
20 exists motivation or ability to flee, whether there is any
21 verification as to prior residence, education, or family ties
22 in the local jurisdiction, in another county, state or foreign
23 country, the defendant's employment, financial resources,
24 character and mental condition, past conduct, prior use of
25 alias names or dates of birth, and length of residence in the
26 community, the consent of the defendant to periodic drug

1 testing in accordance with Section 110-6.5, whether a foreign
2 national defendant is lawfully admitted in the United States of
3 America, whether the government of the foreign national
4 maintains an extradition treaty with the United States by which
5 the foreign government will extradite to the United States its
6 national for a trial for a crime allegedly committed in the
7 United States, whether the defendant is currently subject to
8 deportation or exclusion under the immigration laws of the
9 United States, whether the defendant, although a United States
10 citizen, is considered under the law of any foreign state a
11 national of that state for the purposes of extradition or
12 non-extradition to the United States, the amount of unrecovered
13 proceeds lost as a result of the alleged offense, the source of
14 bail funds tendered or sought to be tendered for bail, whether
15 from the totality of the court's consideration, the loss of
16 funds posted or sought to be posted for bail will not deter the
17 defendant from flight, whether the evidence shows that the
18 defendant is engaged in significant possession, manufacture,
19 or delivery of a controlled substance or cannabis, either
20 individually or in consort with others, whether at the time of
21 the offense charged he was on bond or pre-trial release pending
22 trial, probation, periodic imprisonment or conditional
23 discharge pursuant to this Code or the comparable Code of any
24 other state or federal jurisdiction, whether the defendant is
25 on bond or pre-trial release pending the imposition or
26 execution of sentence or appeal of sentence for any offense

1 under the laws of Illinois or any other state or federal
2 jurisdiction, whether the defendant is under parole or
3 mandatory supervised release or work release from the Illinois
4 Department of Corrections or any penal institution or
5 corrections department of any state or federal jurisdiction,
6 the defendant's record of convictions, whether the defendant
7 has been convicted of a misdemeanor or ordinance offense in
8 Illinois or similar offense in other state or federal
9 jurisdiction within the 10 years preceding the current charge
10 or convicted of a felony in Illinois, whether the defendant was
11 convicted of an offense in another state or federal
12 jurisdiction that would be a felony if committed in Illinois
13 within the 20 years preceding the current charge or has been
14 convicted of such felony and released from the penitentiary
15 within 20 years preceding the current charge if a penitentiary
16 sentence was imposed in Illinois or other state or federal
17 jurisdiction, the defendant's records of juvenile adjudication
18 of delinquency in any jurisdiction, any record of appearance or
19 failure to appear by the defendant at court proceedings,
20 whether there was flight to avoid arrest or prosecution,
21 whether the defendant escaped or attempted to escape to avoid
22 arrest, whether the defendant refused to identify himself, or
23 whether there was a refusal by the defendant to be
24 fingerprinted as required by law. Information used by the court
25 in its findings or stated in or offered in connection with this
26 Section may be by way of proffer based upon reliable

1 information offered by the State or defendant. All evidence
2 shall be admissible if it is relevant and reliable regardless
3 of whether it would be admissible under the rules of evidence
4 applicable at criminal trials. If the State presents evidence
5 that the offense committed by the defendant was related to or
6 in furtherance of the criminal activities of an organized gang
7 or was motivated by the defendant's membership in or allegiance
8 to an organized gang, and if the court determines that the
9 evidence may be substantiated, the court shall prohibit the
10 defendant from associating with other members of the organized
11 gang as a condition of bail or release. For the purposes of
12 this Section, "organized gang" has the meaning ascribed to it
13 in Section 10 of the Illinois Streetgang Terrorism Omnibus
14 Prevention Act.

15 (b) The amount of bail shall be:

16 (1) Sufficient to assure compliance with the
17 conditions set forth in the bail bond, which shall include
18 the defendant's current address with a written
19 admonishment to the defendant that he or she must comply
20 with the provisions of Section 110-12 regarding any change
21 in his or her address. The defendant's address shall at all
22 times remain a matter of public record with the clerk of
23 the court.

24 (2) Not oppressive.

25 (3) Considerate of the financial ability of the
26 accused.

1 (4) When a person is charged with a drug related
2 offense involving possession or delivery of cannabis or
3 possession or delivery of a controlled substance as defined
4 in the Cannabis Control Act, the Illinois Controlled
5 Substances Act, or the Methamphetamine Control and
6 Community Protection Act, the full street value of the
7 drugs seized shall be considered. "Street value" shall be
8 determined by the court on the basis of a proffer by the
9 State based upon reliable information of a law enforcement
10 official contained in a written report as to the amount
11 seized and such proffer may be used by the court as to the
12 current street value of the smallest unit of the drug
13 seized.

14 (b-5) Upon the filing of a written request demonstrating
15 reasonable cause, the State's Attorney may request a source of
16 bail hearing either before or after the posting of any funds.
17 If the hearing is granted, before the posting of any bail, the
18 accused must file a written notice requesting that the court
19 conduct a source of bail hearing. The notice must be
20 accompanied by justifying affidavits stating the legitimate
21 and lawful source of funds for bail. At the hearing, the court
22 shall inquire into any matters stated in any justifying
23 affidavits, and may also inquire into matters appropriate to
24 the determination which shall include, but are not limited to,
25 the following:

26 (1) the background, character, reputation, and

1 relationship to the accused of any surety; and

2 (2) the source of any money or property deposited by
3 any surety, and whether any such money or property
4 constitutes the fruits of criminal or unlawful conduct; and

5 (3) the source of any money posted as cash bail, and
6 whether any such money constitutes the fruits of criminal
7 or unlawful conduct; and

8 (4) the background, character, reputation, and
9 relationship to the accused of the person posting cash
10 bail.

11 Upon setting the hearing, the court shall examine, under
12 oath, any persons who may possess material information.

13 The State's Attorney has a right to attend the hearing, to
14 call witnesses and to examine any witness in the proceeding.
15 The court shall, upon request of the State's Attorney, continue
16 the proceedings for a reasonable period to allow the State's
17 Attorney to investigate the matter raised in any testimony or
18 affidavit. If the hearing is granted after the accused has
19 posted bail, the court shall conduct a hearing consistent with
20 this subsection (b-5). At the conclusion of the hearing, the
21 court must issue an order either approving or disapproving the
22 bail.

23 (c) When a person is charged with an offense punishable by
24 fine only the amount of the bail shall not exceed double the
25 amount of the maximum penalty.

26 (d) When a person has been convicted of an offense and only

1 a fine has been imposed the amount of the bail shall not exceed
2 double the amount of the fine.

3 (e) The State may appeal any order granting bail or setting
4 a given amount for bail.

5 (f) When a person is charged with a violation of an order
6 of protection under Section 12-30 of the Criminal Code of 1961,

7 (1) whether the alleged incident involved harassment
8 or abuse, as defined in the Illinois Domestic Violence Act
9 of 1986;

10 (2) whether the person has a history of domestic
11 violence, as defined in the Illinois Domestic Violence Act,
12 or a history of other criminal acts;

13 (3) based on the mental health of the person;

14 (4) whether the person has a history of violating the
15 orders of any court or governmental entity;

16 (5) whether the person has been, or is, potentially a
17 threat to any other person;

18 (6) whether the person has access to deadly weapons or
19 a history of using deadly weapons;

20 (7) whether the person has a history of abusing alcohol
21 or any controlled substance;

22 (8) based on the severity of the alleged incident that
23 is the basis of the alleged offense, including, but not
24 limited to, the duration of the current incident, and
25 whether the alleged incident involved physical injury,
26 sexual assault, strangulation, abuse during the alleged

1 victim's pregnancy, abuse of pets, or forcible entry to
2 gain access to the alleged victim;

3 (9) whether a separation of the person from the alleged
4 victim or a termination of the relationship between the
5 person and the alleged victim has recently occurred or is
6 pending;

7 (10) whether the person has exhibited obsessive or
8 controlling behaviors toward the alleged victim,
9 including, but not limited to, stalking, surveillance, or
10 isolation of the alleged victim or victim's family member
11 or members;

12 (11) whether the person has expressed suicidal or
13 homicidal ideations;

14 (12) based on any information contained in the
15 complaint and any police reports, affidavits, or other
16 documents accompanying the complaint,

17 the court may, in its discretion, ~~shall~~ order the respondent to
18 undergo a risk assessment evaluation conducted by ~~at~~ an
19 Illinois Department of Human Services ~~protocol~~ approved
20 partner abuse intervention program provider. Based on the
21 results of the risk assessment and the other circumstances of
22 the violation, the court may order that the person, as a
23 condition of bail, be placed under electronic surveillance as
24 provided in Section 5-8A-7 of the Unified Code of Corrections.

25 (Source: P.A. 94-556, eff. 9-11-05; 95-773, eff. 1-1-09.)

1 Section 15. The Unified Code of Corrections is amended by
2 changing Sections 5-8A-7 and 5-9-1.16 as follows:

3 (730 ILCS 5/5-8A-7)

4 Sec. 5-8A-7. Domestic violence surveillance program. If
5 the Prisoner Review Board, Department of Corrections, or court
6 (the supervising authority) orders electronic surveillance as
7 a condition of parole, mandatory supervised release, early
8 release, probation, or conditional discharge for a violation of
9 an order of protection or as a condition of bail for a person
10 charged with a violation of an order of protection, the
11 supervising authority shall use the best available global
12 positioning technology to track domestic violence offenders.
13 Best available technology must have real-time and interactive
14 capabilities that facilitate the following objectives: (1)
15 immediate notification to the supervising authority of a breach
16 of a court ordered exclusion zone; (2) notification of the
17 breach to the offender; and (3) communication between the
18 supervising authority, law enforcement, and the victim,
19 regarding the breach. Such capabilities should include
20 technology that (1) immediately notifies law enforcement or
21 other monitors of any breach of the court ordered inclusion
22 zone boundaries; (2) notifies the victim in near-real time of
23 any breach; (3) allows monitors to speak to the offender
24 through a cell phone implanted in the bracelet device; and (4)
25 has a loud alarm that can be activated to warn the potential

1 ~~victim of the offender's presence in a forbidden zone.~~

2 (Source: P.A. 95-773, eff. 1-1-09.)

3 (730 ILCS 5/5-9-1.16)

4 Sec. 5-9-1.16. Protective order violation fees ~~fin~~es.

5 (a) There shall be added to every penalty imposed in
6 sentencing for a violation of an order of protection under
7 Section 12-30 of the Criminal Code of 1961 an additional fee
8 ~~fine~~ to be set in an amount not less than \$200 to be imposed
9 upon a plea of guilty or finding of guilty resulting in a
10 judgment of conviction.

11 (b) Such additional amount shall be assessed by the court
12 imposing sentence and shall be collected by the Circuit Clerk
13 in addition to the fine, if any, and costs in the case to be
14 used by the supervising authority in implementing the domestic
15 violence surveillance program. The clerk of the circuit court
16 shall pay all monies collected from this fee to the county
17 treasurer for deposit in the probation and court services fund
18 under Section 15.1 of the Probation and Probations Officers
19 Act.

20 (c) The supervising authority of a domestic violence
21 surveillance program under Section 5-8A-7 of this Act shall
22 assess a person either convicted of, or charged with, the
23 violation of an order of protection an additional fee to cover
24 the costs of providing the equipment used and the additional
25 supervision needed for such domestic violence surveillance

1 program. If the court finds that the fee would impose an undue
2 burden on the victim, the court may reduce or waive the fee.
3 The court shall order that the defendant may not use funds
4 belonging solely to the victim of the offense for payment of
5 the fee.

6 When the supervising authority is the court or the
7 probation and court services department, the fee shall be
8 collected by the circuit court clerk. The clerk of the circuit
9 court shall pay all monies collected from this fee and all
10 other required probation fees that are assessed to the county
11 treasurer for deposit in the probation and court services fund
12 under Section 15.1 of the Probation and Probations Officers
13 Act. In counties with a population of 2 million or more, when
14 the supervising authority is the court or the probation and
15 court services department, the fee shall be collected by the
16 supervising authority. In these counties, the supervising
17 authority shall pay all monies collected from this fee and all
18 other required probation fees that are assessed, to the county
19 treasurer for deposit in the probation and court services fund
20 under Section 15.1 of the Probation and Probation Officers Act.

21 When the supervising authority is the Department of
22 Corrections, the Department shall collect the fee for deposit
23 into the Illinois Department of Corrections "fund". ~~Each such~~
24 ~~additional penalty shall be remitted by the Circuit Clerk~~
25 ~~within one month after receipt to the State Treasurer for~~
26 ~~deposit into the Domestic Violence Surveillance Fund. The~~

1 ~~Circuit Clerk shall retain 10% of such penalty and deposit that~~
2 ~~percentage into the Circuit Court Clerk Operation and~~
3 ~~Administrative Fund to cover the costs incurred in~~
4 ~~administering and enforcing this Section. Such additional~~
5 ~~penalty shall not be considered a part of the fine for purposes~~
6 ~~of any reduction in the fine for time served either before or~~
7 ~~after sentencing.~~

8 ~~(c) Not later than March 1 of each year the Clerk of the~~
9 ~~Circuit Court shall submit to the State Comptroller a report of~~
10 ~~the amount of funds remitted by him or her to the State~~
11 ~~Treasurer under this Section during the preceding calendar~~
12 ~~year.~~

13 ~~(d) (Blank). Moneys in the Domestic Violence Surveillance~~
14 ~~Fund shall be used by the supervising authority of a respondent~~
15 ~~ordered to carry or wear a global positioning system device for~~
16 ~~a violation of an order of protection under Section 12-30 of~~
17 ~~the Criminal Code of 1961 to offset the costs of such~~
18 ~~surveillance of the respondent.~~

19 ~~(e) (Blank). For purposes of this Section "fees of the~~
20 ~~Circuit Clerk" shall include, if applicable, the fee provided~~
21 ~~for under Section 27.3a of the Clerks of Courts Act and the~~
22 ~~fee, if applicable, payable to the county in which the~~
23 ~~violation occurred under Section 5-1101 of the Counties Code.~~

24 (Source: P.A. 95-773, eff. 1-1-09.)

25 Section 20. The Probation and Probation Officers Act is

1 amended by changing Section 15 as follows:

2 (730 ILCS 110/15) (from Ch. 38, par. 204-7)

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

8 (a) establish qualifications for chief probation
9 officers and other probation and court services personnel
10 as to hiring, promotion, and training.

11 (b) make available, on a timely basis, lists of those
12 applicants whose qualifications meet the regulations
13 referred to herein, including on said lists all candidates
14 found qualified.

15 (c) establish a means of verifying the conditions for
16 reimbursement under this Act and develop criteria for
17 approved costs for reimbursement.

18 (d) develop standards and approve employee
19 compensation schedules for probation and court services
20 departments.

21 (e) employ sufficient personnel in the Division to
22 carry out the functions of the Division.

23 (f) establish a system of training and establish
24 standards for personnel orientation and training.

25 (g) develop standards for a system of record keeping

1 for cases and programs, gather statistics, establish a
2 system of uniform forms, and develop research for planning
3 of Probation Services.

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

9 (i) review and approve annual plans submitted by
10 Probation and Court Services Departments.

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

16 (k) seek the cooperation of local and State government
17 and private agencies to improve the quality of probation
18 and court services.

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

24 (m) establish such other standards and regulations and
25 do all acts necessary to carry out the intent and purposes
26 of this Act.

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

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

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

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

1 or some other judge designated by the Chief Judge. The Chief
2 Judge, through the Probation and Court Services Department
3 shall submit annual plans to the Division for probation and
4 related services.

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

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

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

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

3 (b) 100% of the salary for all probation officer and
4 supervisor positions approved for reimbursement by the
5 division after April 1, 1984, to meet workload standards
6 and to implement intensive sanction and probation
7 supervision programs and other basic services as defined in
8 this Act.

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

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

25 (e) 100% of the travel expenses in accordance with
26 Division standards for all Probation positions approved

1 under paragraph (b) of subsection 4 of this Section.

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

11 (5) The Division shall provide funds beginning on April 1,
12 1987 for the counties to provide Individualized Services and
13 Programs as provided in Section 16 of this Act.

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

20 (a) The Department shall have on file with the Supreme
21 Court an annual Probation plan for continuing, improved,
22 and new Probation and Court Services Programs approved by
23 the Supreme Court or its designee. This plan shall indicate
24 the manner in which Probation and Court Services will be
25 delivered and improved, consistent with the minimum
26 standards and regulations for Probation and Court

1 Services, as established by the Supreme Court. In counties
2 with more than one Probation and Court Services Department
3 eligible to receive funds, all Departments within that
4 county must submit plans which are approved by the Supreme
5 Court.

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

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

21 (d) The Department shall in its annual plan indicate
22 the manner in which it will support the rights of crime
23 victims and in which manner it will implement Article I,
24 Section 8.1 of the Illinois Constitution and in what manner
25 it will coordinate crime victims' support services with
26 other criminal justice agencies within its jurisdiction,

1 including but not limited to, the State's Attorney, the
2 Sheriff and any municipal police department.

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

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

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

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

22 (d) The Department has an established compensation
23 schedule approved by the Supreme Court. The compensation
24 schedule shall include salary ranges with necessary
25 increments to compensate each employee. The increments
26 shall, within the salary ranges, be based on such factors

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

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

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

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

13 (10) The county treasurer must certify that funds received
14 under this Section shall be used solely to maintain and improve
15 Probation and Court Services. The county or circuit shall
16 remain in compliance with all standards, policies and
17 regulations established by the Supreme Court. If at any time
18 the Supreme Court determines that a county or circuit is not in
19 compliance, the Supreme Court shall immediately notify the
20 Chief Judge, county board chairman and the Director of Court
21 Services Chief Probation Officer. If after 90 days of written
22 notice the noncompliance still exists, the Supreme Court shall
23 be required to reduce the amount of monthly reimbursement by
24 10%. An additional 10% reduction of monthly reimbursement shall
25 occur for each consecutive month of noncompliance. Except as
26 provided in subsection 5 of Section 15, funding to counties

1 shall commence on April 1, 1986. Funds received under this Act
2 shall be used to provide for Probation Department expenses
3 including those required under Section 13 of this Act. The
4 Mandatory Arbitration Fund may be used to provide for Probation
5 Department expenses, including those required under Section 13
6 of this Act.

7 (11) The respective counties shall be responsible for
8 capital and space costs, fringe benefits, clerical costs,
9 equipment, telecommunications, postage, commodities and
10 printing.

11 (12) For purposes of this Act only, probation officers
12 shall be considered peace officers. In the exercise of their
13 official duties, probation officers, sheriffs, and police
14 officers may, anywhere within the State, arrest any probationer
15 who is in violation of any of the conditions of his or her
16 probation, conditional discharge, or supervision, and it shall
17 be the duty of the officer making the arrest to take the
18 probationer before the Court having jurisdiction over the
19 probationer for further order.

20 (Source: P.A. 94-91, eff. 7-1-05; 94-696, eff. 6-1-06; 94-839,
21 eff. 6-6-06; 95-707, eff. 1-11-08; 95-773, eff. 1-1-09.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.

1 INDEX

2 Statutes amended in order of appearance

3 30 ILCS 105/5.710 rep.

4 725 ILCS 5/110-5 from Ch. 38, par. 110-5

5 730 ILCS 5/5-8A-7

6 730 ILCS 5/5-9-1.16

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