

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, pretrial service,
21 probation, or parole agency. These agencies shall have access
22 to summaries of the defendant's criminal history, which shall
23 not include victim interviews or information, for the risk
24 evaluation. Based on the information collected from the 12
25 points to be considered at a bail hearing for a violation of an
26 order of protection, the results of any risk evaluation

1 conducted ~~results of the risk assessment~~ and the other
2 circumstances of the violation, the court may order that the
3 person, as a condition of bail, be placed under electronic
4 surveillance as provided in Section 5-8A-7 of the Unified Code
5 of Corrections.

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

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

9 (730 ILCS 5/5-8A-7)

10 Sec. 5-8A-7. Domestic violence surveillance program. If
11 the Prisoner Review Board, Department of Corrections, or court
12 (the supervising authority) orders electronic surveillance as
13 a condition of parole, mandatory supervised release, early
14 release, probation, or conditional discharge for a violation of
15 an order of protection or as a condition of bail for a person
16 charged with a violation of an order of protection, the
17 supervising authority shall use the best available global
18 positioning technology to track domestic violence offenders.
19 Best available technology must have real-time and interactive
20 capabilities that facilitate the following objectives: (1)
21 immediate notification to the supervising authority of a breach
22 of a court ordered exclusion zone; (2) notification of the
23 breach to the offender; and (3) communication between the
24 supervising authority, law enforcement, and the victim,

1 regarding the breach. ~~Such capabilities should include~~
2 ~~technology that (1) immediately notifies law enforcement or~~
3 ~~other monitors of any breach of the court ordered inclusion~~
4 ~~zone boundaries; (2) notifies the victim in near-real time of~~
5 ~~any breach; (3) allows monitors to speak to the offender~~
6 ~~through a cell phone implanted in the bracelet device; and (4)~~
7 ~~has a loud alarm that can be activated to warn the potential~~
8 ~~victim of the offender's presence in a forbidden zone.~~

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

10 (730 ILCS 5/5-9-1.16)

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

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

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

1 Act.

2 (c) The supervising authority of a domestic violence
3 surveillance program under Section 5-8A-7 of this Act shall
4 assess a person either convicted of, or charged with, the
5 violation of an order of protection an additional fee to cover
6 the costs of providing the equipment used and the additional
7 supervision needed for such domestic violence surveillance
8 program. If the court finds that the fee would impose an undue
9 burden on the victim, the court may reduce or waive the fee.
10 The court shall order that the defendant may not use funds
11 belonging solely to the victim of the offense for payment of
12 the fee.

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

1 under Section 15.1 of the Probation and Probation Officers Act.

2 When the supervising authority is the Department of
3 Corrections, the Department shall collect the fee for deposit
4 into the Illinois Department of Corrections "fund". Each such
5 additional penalty shall be remitted by the Circuit Clerk
6 within one month after receipt to the State Treasurer for
7 deposit into the Domestic Violence Surveillance Fund. The
8 Circuit Clerk shall retain 10% of such penalty and deposit that
9 percentage into the Circuit Court Clerk Operation and
10 Administrative Fund to cover the costs incurred in
11 administering and enforcing this Section. Such additional
12 penalty shall not be considered a part of the fine for purposes
13 of any reduction in the fine for time served either before or
14 after sentencing.

15 ~~(c) Not later than March 1 of each year the Clerk of the~~
16 ~~Circuit Court shall submit to the State Comptroller a report of~~
17 ~~the amount of funds remitted by him or her to the State~~
18 ~~Treasurer under this Section during the preceding calendar~~
19 ~~year.~~

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

26 (e) (Blank). ~~For purposes of this Section "fees of the~~

1 ~~Circuit Clerk" shall include, if applicable, the fee provided~~
2 ~~for under Section 27.3a of the Clerks of Courts Act and the~~
3 ~~fee, if applicable, payable to the county in which the~~
4 ~~violation occurred under Section 5-1101 of the Counties Code.~~

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

6 Section 20. The Probation and Probation Officers Act is
7 amended by changing Section 15 as follows:

8 (730 ILCS 110/15) (from Ch. 38, par. 204-7)

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

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

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

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

24 (d) develop standards and approve employee

1 compensation schedules for probation and court services
2 departments.

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

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

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

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

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

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

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

26 (l) where appropriate, establish programs and

1 corresponding standards designed to generally improve the
2 quality of probation and court services and reduce the rate
3 of adult or juvenile offenders committed to the Department
4 of Corrections.

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

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

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

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

25 (2) (a) The chief judge of each circuit shall provide
26 full-time probation services for all counties within the

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

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

18 (3) A Probation and Court Service Department shall apply to
19 the Supreme Court for funds for basic services, and may apply
20 for funds for new and expanded programs or Individualized
21 Services and Programs. Costs shall be reimbursed monthly based
22 on a plan and budget approved by the Supreme Court. No
23 Department may be reimbursed for costs which exceed or are not
24 provided for in the approved annual plan and budget. After the
25 effective date of this amendatory Act of 1985, each county must
26 provide basic services in accordance with the annual plan and

1 standards created by the division. No department may receive
2 funds for new or expanded programs or individualized services
3 and programs unless they are in compliance with standards as
4 enumerated in paragraph (h) of subsection (1) of this Section,
5 the annual plan, and standards for basic services.

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

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

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

16 (c) 100% of the salary for all secure detention
17 personnel and non-secure group home personnel approved for
18 reimbursement after December 1, 1990. For all such
19 positions approved for reimbursement before December 1,
20 1990, the counties shall be reimbursed \$1,250 per month
21 beginning July 1, 1995, and an additional \$250 per month
22 beginning each July 1st thereafter until the positions
23 receive 100% salary reimbursement. Allocation of such
24 positions will be based on comparative need considering
25 capacity, staff/resident ratio, physical plant and
26 program.

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

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

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

18 (5) The Division shall provide funds beginning on April 1,
19 1987 for the counties to provide Individualized Services and
20 Programs as provided in Section 16 of this Act.

21 (6) A Probation and Court Services Department in order to
22 be eligible for the reimbursement must submit to the Supreme
23 Court an application containing such information and in such a
24 form and by such dates as the Supreme Court may require.
25 Departments to be eligible for funding must satisfy the
26 following conditions:

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

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

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

1 promotion.

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

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

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

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

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

1 shall be governed by minimum qualifications established by
2 the Supreme Court.

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

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

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

20 (10) The county treasurer must certify that funds received
21 under this Section shall be used solely to maintain and improve
22 Probation and Court Services. The county or circuit shall
23 remain in compliance with all standards, policies and
24 regulations established by the Supreme Court. If at any time
25 the Supreme Court determines that a county or circuit is not in
26 compliance, the Supreme Court shall immediately notify the

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

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

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

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

3 Section 99. Effective date. This Act takes effect upon
4 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