

# HB3139



## 96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB3139

Introduced 2/24/2009, by Rep. Tom Cross

### SYNOPSIS AS INTRODUCED:

55 ILCS 5/4-2001

from Ch. 34, par. 4-2001

Amends the Counties Code. Makes a technical change in a Section concerning state's attorney salaries.

LRB096 05949 RLJ 16030 b

A BILL FOR

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Counties Code is amended by changing Section  
5 4-2001 as follows:

6 (55 ILCS 5/4-2001) (from Ch. 34, par. 4-2001)  
7 Sec. 4-2001. State's attorney salaries.

8 (a) There shall be allowed to the ~~the~~ several state's  
9 attorneys in this State, except the state's attorney of Cook  
10 County, the following annual salary:

11 (1) Subject to paragraph (5), to each state's attorney  
12 in counties containing less than 10,000 inhabitants,  
13 \$40,500 until December 31, 1988, \$45,500 until June 30,  
14 1994, and \$55,500 thereafter or as set by the Compensation  
15 Review Board, whichever is greater.

16 (2) Subject to paragraph (5), to each state's attorney  
17 in counties containing 10,000 or more inhabitants but less  
18 than 20,000 inhabitants, \$46,500 until December 31, 1988,  
19 \$61,500 until June 30, 1994, and \$71,500 thereafter or as  
20 set by the Compensation Review Board, whichever is greater.

21 (3) Subject to paragraph (5), to each state's attorney  
22 in counties containing 20,000 or more but less than 30,000  
23 inhabitants, \$51,000 until December 31, 1988, \$65,000

1           until June 30, 1994, and \$75,000 thereafter or as set by  
2           the Compensation Review Board, whichever is greater.

3           (4) To each state's attorney in counties of 30,000 or  
4           more inhabitants, \$65,500 until December 31, 1988, \$80,000  
5           until June 30, 1994, and \$96,837 thereafter or as set by  
6           the Compensation Review Board, whichever is greater.

7           (5) Effective December 1, 2000, to each state's  
8           attorney in counties containing fewer than 30,000  
9           inhabitants, the same salary plus any cost of living  
10          adjustments as authorized by the Compensation Review Board  
11          to take effect after January 1, 1999, for state's attorneys  
12          in counties containing 20,000 or more but fewer than 30,000  
13          inhabitants, or as set by the Compensation Review Board  
14          whichever is greater.

15          The State shall furnish 66 2/3% of the total annual  
16          compensation to be paid to each state's attorney in Illinois  
17          based on the salary in effect on December 31, 1988, and 100% of  
18          the increases in salary taking effect after December 31, 1988.

19          Said amounts furnished by the State shall be payable  
20          monthly from the state treasury to the county in which each  
21          state's attorney is elected.

22          Each county shall be required to furnish 33 1/3% of the  
23          total annual compensation to be paid to each state's attorney  
24          in Illinois based on the salary in effect on December 31, 1988.

25          (b) Effective December 1, 2000, no state's attorney may  
26          engage in the private practice of law. However, until November

1 30, 2000, (i) the state's attorneys in counties containing  
2 fewer than 10,000 inhabitants may engage in the practice of  
3 law, and (ii) in any county between 10,000 and 30,000  
4 inhabitants or in any county containing 30,000 or more  
5 inhabitants which reached that population between 1970 and  
6 December 31, 1981, the state's attorney may declare his or her  
7 intention to engage in the private practice of law, and may do  
8 so through no later than November 30, 2000, by filing a written  
9 declaration of intent to engage in the private practice of law  
10 with the county clerk. The declaration of intention shall be  
11 irrevocable during the remainder of the term of office. The  
12 declaration shall be filed with the county clerk within 30 days  
13 of certification of election or appointment, or within 60 days  
14 of March 15, 1989, whichever is later. In that event the annual  
15 salary of such state's attorney shall be as follows:

16 (1) In counties containing 10,000 or more inhabitants  
17 but less than 20,000 inhabitants, \$46,500 until December  
18 31, 1988, \$51,500 until June 30, 1994, and \$61,500  
19 thereafter or as set by the Compensation Review Board,  
20 whichever is greater. The State shall furnish 100% of the  
21 increases taking effect after December 31, 1988.

22 (2) In counties containing 20,000 or more inhabitants  
23 but less than 30,000 inhabitants, and in counties  
24 containing 30,000 or more inhabitants which reached said  
25 population between 1970 and December 31, 1981, \$51,500  
26 until December 31, 1988, \$56,000 until June 30, 1994, and

1           \$65,000 thereafter or as set by the Compensation Review  
2           Board, whichever is greater. The State shall furnish 100%  
3           of the increases taking effect after December 31, 1988.

4           (c) In counties where a state mental health institution, as  
5           hereinafter defined, is located, one assistant state's  
6           attorney shall receive for his services, payable monthly from  
7           the state treasury to the county in which he is appointed, the  
8           following:

9           (1) To each assistant state's attorney in counties  
10           containing less than 10,000 inhabitants, the sum of \$2,500  
11           per annum;

12           (2) To each assistant state's attorney in counties  
13           containing not less than 10,000 inhabitants and not more  
14           than 20,000 inhabitants, the sum of \$3,500 per annum;

15           (3) To each assistant state's attorney in counties  
16           containing not less than 20,000 inhabitants and not more  
17           than 30,000 inhabitants, the sum of \$4,000 per annum;

18           (4) To each assistant state's attorney in counties  
19           containing not less than 30,000 inhabitants and not more  
20           than 40,000 inhabitants, the sum of \$4,500 per annum;

21           (5) To each assistant state's attorney in counties  
22           containing not less than 40,000 inhabitants and not more  
23           than 70,000 inhabitants, the sum of \$5,000 per annum;

24           (6) To each assistant state's attorney in counties  
25           containing not less than 70,000 inhabitants and not more  
26           than 1,000,000 inhabitants, the sum of \$6,000 per annum.

1           (d) The population of all counties for the purpose of  
2 fixing salaries as herein provided shall be based upon the last  
3 Federal census immediately previous to the appointment of an  
4 assistant state's attorney in each county.

5           (e) At the request of the county governing authority, in  
6 counties where one or more state correctional institutions, as  
7 hereinafter defined, are located, one or more assistant state's  
8 attorneys shall receive for their services, provided that such  
9 services are performed in connection with the state  
10 correctional institution, payable monthly from the state  
11 treasury to the county in which they are appointed, the  
12 following:

13           (1) \$22,000 for each assistant state's attorney in  
14 counties with one or more State correctional institutions  
15 with a total average daily inmate population in excess of  
16 2,000, on the basis of 2 assistant state's attorneys when  
17 the total average daily inmate population exceeds 2,000 but  
18 is less than 4,000; and 3 assistant state's attorneys when  
19 such population exceeds 4,000; with reimbursement to be  
20 based on actual services rendered.

21           (2) \$15,000 per year for one assistant state's attorney  
22 in counties having one or more correctional institutions  
23 with a total average daily inmate population of between 750  
24 and 2,000 inmates, with reimbursement to be based on actual  
25 services rendered.

26           (3) A maximum of \$12,000 per year for one assistant

1 state's attorney in counties having less than 750 inmates,  
2 with reimbursement to be based on actual services rendered.

3 Upon application of the county governing authority and  
4 certification of the State's Attorney, the Director of  
5 Corrections may, in his discretion and subject to  
6 appropriation, increase the amount of salary reimbursement  
7 to a county in the event special circumstances require the  
8 county to incur extraordinary salary expenditures as a  
9 result of services performed in connection with State  
10 correctional institutions in that county.

11 In determining whether or not to increase the amount of  
12 salary reimbursement, the Director shall consider, among other  
13 matters:

- 14 (1) the nature of the services rendered;  
15 (2) the results or dispositions obtained;  
16 (3) whether or not the county was required to employ  
17 additional attorney personnel as a direct result of the  
18 services actually rendered in connection with a particular  
19 service to a State correctional institution.

20 (f) In counties where a State senior institution of higher  
21 education is located, the assistant state's attorneys  
22 specified by this Section shall receive for their services,  
23 payable monthly from the State treasury to the county in which  
24 appointed, the following:

- 25 (1) \$14,000 per year each for employment on a full time  
26 basis for 2 assistant state's attorneys in counties having

1 a State university or State universities with combined full  
2 time enrollment of more than 15,000 students.

3 (2) \$7,200 per year for one assistant state's attorney  
4 with no limitation on other practice in counties having a  
5 State university or State universities with combined full  
6 time enrollment of 10,000 to 15,000 students.

7 (3) \$4,000 per year for one assistant state's attorney  
8 with no limitation on other practice in counties having a  
9 State university or State universities with combined full  
10 time enrollment of less than 10,000 students.

11 Such salaries shall be paid to the state's attorney and the  
12 assistant state's attorney in equal monthly installments by  
13 such county out of the county treasury provided that the State  
14 of Illinois shall reimburse each county monthly from the state  
15 treasury the amount of such salary. This Section shall not  
16 prevent the payment of such additional compensation to the  
17 state's attorney or assistant state's attorney of any county,  
18 out of the treasury of that county as may be provided by law.

19 (g) For purposes of this Section, "State mental health  
20 institution" means any institution under the jurisdiction of  
21 the Department of Human Services that is listed in Section 4 of  
22 the Mental Health and Developmental Disabilities  
23 Administrative Act.

24 For purposes of this Section, "State correctional  
25 institution" means any facility of the Department of  
26 Corrections including adult facilities, juvenile facilities,



1 pre-release centers, community correction centers, and work  
2 camps.

3 For purposes of this Section, "State university" means the  
4 University of Illinois, Southern Illinois University, Chicago  
5 State University, Eastern Illinois University, Governors State  
6 University, Illinois State University, Northeastern Illinois  
7 University, Northern Illinois University, Western Illinois  
8 University, and any public community college which has  
9 established a program of interinstitutional cooperation with  
10 one of the foregoing institutions whereby a student, after  
11 earning an associate degree from the community college, pursues  
12 a course of study at the community college campus leading to a  
13 baccalaureate degree from the foregoing institution (also  
14 known as a "2 Plus 2" degree program).

15 (h) A number of assistant state's attorneys shall be  
16 appointed in each county that chooses to participate, as  
17 provided in this subsection, for the prosecution of  
18 alcohol-related traffic offenses. Each county shall receive  
19 monthly a subsidy for payment of the salaries and benefits of  
20 these assistant state's attorneys from State funds  
21 appropriated to the county for that purpose. The amounts of  
22 subsidies provided by this subsection shall be adjusted for  
23 inflation each July 1 using the Consumer Price Index of the  
24 Bureau of Labor Statistics of the U.S. Department of Labor.

25 When a county chooses to participate in the subsidy program  
26 described in this subsection (h), the number of assistant

1 state's attorneys who are prosecuting alcohol-related traffic  
2 offenses must increase according to the subsidy provided in  
3 this subsection. These appointed assistant state's attorneys  
4 shall be in addition to any other assistant state's attorneys  
5 assigned to those cases on the effective date of this  
6 amendatory Act of the 91st General Assembly, and may not  
7 replace those assistant state's attorneys. In counties where  
8 the state's attorney is the sole prosecutor, this subsidy shall  
9 be used to provide an assistant state's attorney to prosecute  
10 alcohol-related traffic offenses along with the state's  
11 attorney. In counties where the state's attorney is the sole  
12 prosecutor, and in counties where a judge presides over cases  
13 involving a variety of misdemeanors, including alcohol-related  
14 traffic matters, assistant state's attorneys appointed and  
15 subsidized by this subsection (h) may also prosecute the  
16 different misdemeanor cases at the direction of the state's  
17 attorney.

18 Assistant state's attorneys shall be appointed under this  
19 subsection in the following number and counties shall receive  
20 the following annual subsidies:

21 (1) In counties with fewer than 30,000 inhabitants, one  
22 at \$35,000.

23 (2) In counties with 30,000 or more but fewer than  
24 100,000 inhabitants, one at \$45,000.

25 (3) In counties with 100,000 or more but fewer than  
26 300,000 inhabitants, 2 at \$45,000 each.

1           (4) In counties, other than Cook County, with 300,000  
2           or more inhabitants, 4 at \$50,000 each.

3           The amounts appropriated under this Section must be  
4           segregated by population classification and disbursed monthly.

5           If in any year the amount appropriated for the purposes of  
6           this subsection (h) is insufficient to pay all of the subsidies  
7           specified in this subsection, the amount appropriated shall  
8           first be prorated by the population classifications of this  
9           subsection (h) and then among the counties choosing to  
10          participate within each of those classifications. If any of the  
11          appropriated moneys for each population classification remain  
12          at the end of a fiscal year, the remainder of the moneys may be  
13          allocated to participating counties that were not fully funded  
14          during the course of the year. Nothing in this subsection  
15          prohibits 2 or more State's attorneys from combining their  
16          subsidies to appoint a joint assistant State's attorney to  
17          prosecute alcohol-related traffic offenses in multiple  
18          counties. Nothing in this subsection prohibits a State's  
19          attorney from appointing an assistant State's attorney by  
20          contract or otherwise.

21          (Source: P.A. 91-273, eff. 1-1-00; 91-440, eff. 8-6-99; 91-704,  
22          eff. 7-1-00; 92-309, eff. 8-9-01.)