

HB0555



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB0555

Introduced 01/31/11, by Rep. Michael J. Madigan

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.

LRB097 03382 KMW 43419 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 Within 90 days after the effective date of this amendatory
26 Act of the 96th General Assembly, the county board of any

1 county with a population between 15,000 and 50,000 by
2 resolution or ordinance may increase the amount of compensation
3 to be paid to each eligible state's attorney in their county in
4 the form of a longevity stipend which shall be added to and
5 become part of the salary of the state's attorney for that
6 year. To be eligible, the state's attorney must have served in
7 the elected position for at least 20 continuous years and elect
8 to participate in a program for an alternative annuity for
9 county officers and make the required additional optional
10 contributions as authorized by P.A. 90-32.

11 (b) Effective December 1, 2000, no state's attorney may
12 engage in the private practice of law. However, until November
13 30, 2000, (i) the state's attorneys in counties containing
14 fewer than 10,000 inhabitants may engage in the practice of
15 law, and (ii) in any county between 10,000 and 30,000
16 inhabitants or in any county containing 30,000 or more
17 inhabitants which reached that population between 1970 and
18 December 31, 1981, the state's attorney may declare his or her
19 intention to engage in the private practice of law, and may do
20 so through no later than November 30, 2000, by filing a written
21 declaration of intent to engage in the private practice of law
22 with the county clerk. The declaration of intention shall be
23 irrevocable during the remainder of the term of office. The
24 declaration shall be filed with the county clerk within 30 days
25 of certification of election or appointment, or within 60 days
26 of March 15, 1989, whichever is later. In that event the annual

1 salary of such state's attorney shall be as follows:

2 (1) In counties containing 10,000 or more inhabitants
3 but less than 20,000 inhabitants, \$46,500 until December
4 31, 1988, \$51,500 until June 30, 1994, and \$61,500
5 thereafter or as set by the Compensation Review Board,
6 whichever is greater. The State shall furnish 100% of the
7 increases taking effect after December 31, 1988.

8 (2) In counties containing 20,000 or more inhabitants
9 but less than 30,000 inhabitants, and in counties
10 containing 30,000 or more inhabitants which reached said
11 population between 1970 and December 31, 1981, \$51,500
12 until December 31, 1988, \$56,000 until June 30, 1994, and
13 \$65,000 thereafter or as set by the Compensation Review
14 Board, whichever is greater. The State shall furnish 100%
15 of the increases taking effect after December 31, 1988.

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

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

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

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

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

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

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

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

17 (e) At the request of the county governing authority, in
18 counties where one or more state correctional institutions, as
19 hereinafter defined, are located, one or more assistant state's
20 attorneys shall receive for their services, provided that such
21 services are performed in connection with the state
22 correctional institution, payable monthly from the state
23 treasury to the county in which they are appointed, the
24 following:

25 (1) \$22,000 for each assistant state's attorney in
26 counties with one or more State correctional institutions

1 with a total average daily inmate population in excess of
2 2,000, on the basis of 2 assistant state's attorneys when
3 the total average daily inmate population exceeds 2,000 but
4 is less than 4,000; and 3 assistant state's attorneys when
5 such population exceeds 4,000; with reimbursement to be
6 based on actual services rendered.

7 (2) \$15,000 per year for one assistant state's attorney
8 in counties having one or more correctional institutions
9 with a total average daily inmate population of between 750
10 and 2,000 inmates, with reimbursement to be based on actual
11 services rendered.

12 (3) A maximum of \$12,000 per year for one assistant
13 state's attorney in counties having less than 750 inmates,
14 with reimbursement to be based on actual services rendered.

15 Upon application of the county governing authority and
16 certification of the State's Attorney, the Director of
17 Corrections may, in his discretion and subject to
18 appropriation, increase the amount of salary reimbursement
19 to a county in the event special circumstances require the
20 county to incur extraordinary salary expenditures as a
21 result of services performed in connection with State
22 correctional institutions in that county.

23 In determining whether or not to increase the amount of
24 salary reimbursement, the Director shall consider, among other
25 matters:

26 (1) the nature of the services rendered;

1 (2) the results or dispositions obtained;

2 (3) whether or not the county was required to employ
3 additional attorney personnel as a direct result of the
4 services actually rendered in connection with a particular
5 service to a State correctional institution.

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

11 (1) \$14,000 per year each for employment on a full time
12 basis for 2 assistant state's attorneys in counties having
13 a State university or State universities with combined full
14 time enrollment of more than 15,000 students.

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

19 (3) \$4,000 per year for one assistant state's attorney
20 with no limitation on other practice in counties having a
21 State university or State universities with combined full
22 time enrollment of less than 10,000 students.

23 Such salaries shall be paid to the state's attorney and the
24 assistant state's attorney in equal monthly installments by
25 such county out of the county treasury provided that the State
26 of Illinois shall reimburse each county monthly from the state

1 treasury the amount of such salary. This Section shall not
2 prevent the payment of such additional compensation to the
3 state's attorney or assistant state's attorney of any county,
4 out of the treasury of that county as may be provided by law.

5 (g) For purposes of this Section, "State mental health
6 institution" means any institution under the jurisdiction of
7 the Department of Human Services that is listed in Section 4 of
8 the Mental Health and Developmental Disabilities
9 Administrative Act.

10 For purposes of this Section, "State correctional
11 institution" means any facility of the Department of
12 Corrections including adult facilities, juvenile facilities,
13 pre-release centers, community correction centers, and work
14 camps.

15 For purposes of this Section, "State university" means the
16 University of Illinois, Southern Illinois University, Chicago
17 State University, Eastern Illinois University, Governors State
18 University, Illinois State University, Northeastern Illinois
19 University, Northern Illinois University, Western Illinois
20 University, and any public community college which has
21 established a program of interinstitutional cooperation with
22 one of the foregoing institutions whereby a student, after
23 earning an associate degree from the community college, pursues
24 a course of study at the community college campus leading to a
25 baccalaureate degree from the foregoing institution (also
26 known as a "2 Plus 2" degree program).

1 (h) A number of assistant state's attorneys shall be
2 appointed in each county that chooses to participate, as
3 provided in this subsection, for the prosecution of
4 alcohol-related traffic offenses. Each county shall receive
5 monthly a subsidy for payment of the salaries and benefits of
6 these assistant state's attorneys from State funds
7 appropriated to the county for that purpose. The amounts of
8 subsidies provided by this subsection shall be adjusted for
9 inflation each July 1 using the Consumer Price Index of the
10 Bureau of Labor Statistics of the U.S. Department of Labor.

11 When a county chooses to participate in the subsidy program
12 described in this subsection (h), the number of assistant
13 state's attorneys who are prosecuting alcohol-related traffic
14 offenses must increase according to the subsidy provided in
15 this subsection. These appointed assistant state's attorneys
16 shall be in addition to any other assistant state's attorneys
17 assigned to those cases on the effective date of this
18 amendatory Act of the 91st General Assembly, and may not
19 replace those assistant state's attorneys. In counties where
20 the state's attorney is the sole prosecutor, this subsidy shall
21 be used to provide an assistant state's attorney to prosecute
22 alcohol-related traffic offenses along with the state's
23 attorney. In counties where the state's attorney is the sole
24 prosecutor, and in counties where a judge presides over cases
25 involving a variety of misdemeanors, including alcohol-related
26 traffic matters, assistant state's attorneys appointed and

1 subsidized by this subsection (h) may also prosecute the
2 different misdemeanor cases at the direction of the state's
3 attorney.

4 Assistant state's attorneys shall be appointed under this
5 subsection in the following number and counties shall receive
6 the following annual subsidies:

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

9 (2) In counties with 30,000 or more but fewer than
10 100,000 inhabitants, one at \$45,000.

11 (3) In counties with 100,000 or more but fewer than
12 300,000 inhabitants, 2 at \$45,000 each.

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

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

17 If in any year the amount appropriated for the purposes of
18 this subsection (h) is insufficient to pay all of the subsidies
19 specified in this subsection, the amount appropriated shall
20 first be prorated by the population classifications of this
21 subsection (h) and then among the counties choosing to
22 participate within each of those classifications. If any of the
23 appropriated moneys for each population classification remain
24 at the end of a fiscal year, the remainder of the moneys may be
25 allocated to participating counties that were not fully funded
26 during the course of the year. Nothing in this subsection

1 prohibits 2 or more State's attorneys from combining their
2 subsidies to appoint a joint assistant State's attorney to
3 prosecute alcohol-related traffic offenses in multiple
4 counties. Nothing in this subsection prohibits a State's
5 attorney from appointing an assistant State's attorney by
6 contract or otherwise.

7 (Source: P.A. 96-259, eff. 8-11-09.)