

HB4117



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB4117

by Rep. Michael J. Madigan

SYNOPSIS AS INTRODUCED:

730 ILCS 110/15

from Ch. 38, par. 204-7

Amends the Probation and Probation Officers Act. Makes a technical change in a Section concerning the Division of Probation Services.

LRB098 15673 RLC 50704 b

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The Probation and Probation Officers Act is
5 amended by changing Section 15 as follows:

6 (730 ILCS 110/15) (from Ch. 38, par. 204-7)

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

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

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

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

23 (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 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. 95-707, eff. 1-11-08; 95-773, eff. 1-1-09;
2 96-688, eff. 8-25-09.)