

SB0685



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB0685

Introduced 1/26/2017, by Sen. Michael Connelly

SYNOPSIS AS INTRODUCED:

55 ILCS 5/4-2001

from Ch. 34, par. 4-2001

Amends the Counties Code. Provides that a county board may establish a salary for a State's attorney higher than provided for in the Code. However, any salary above the amounts provided for in the Code shall be paid out of the county treasury. Effective immediately.

LRB100 07153 AWJ 17213 b

FISCAL NOTE ACT
MAY APPLY

HOUSING
AFFORDABILITY
IMPACT NOTE ACT
MAY APPLY

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 several state's attorneys
9 in this State, except the state's attorney of Cook County, the
10 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, except
18 as otherwise provided in this subsection (a), 100% of the
19 increases in salary taking effect after December 31, 1988.

20 Subject to appropriation, said amounts furnished by the
21 State shall be payable monthly by the Department of Revenue out
22 of the Personal Property Tax Replacement Fund or the General
23 Revenue Fund to the county in which each state's attorney is
24 elected.

25 Each county shall be required to furnish 33 1/3% of the
26 total annual compensation to be paid to each state's attorney

1 in Illinois based on the salary in effect on December 31, 1988.

2 Within 90 days after the effective date of this amendatory
3 Act of the 96th General Assembly, the county board of any
4 county with a population between 15,000 and 50,000 by
5 resolution or ordinance may increase the amount of compensation
6 to be paid to each eligible state's attorney in their county in
7 the form of a longevity stipend which shall be added to and
8 become part of the salary of the state's attorney for that
9 year. To be eligible, the state's attorney must have served in
10 the elected position for at least 20 continuous years and elect
11 to participate in a program for an alternative annuity for
12 county officers and make the required additional optional
13 contributions as authorized by P.A. 90-32.

14 Notwithstanding any provision of the Compensation Review
15 Act to the contrary, the county board may establish a salary
16 for a state's attorney higher than provided for in this
17 subsection (a). However, any salary above the amounts provided
18 for in this subsection (a) shall be paid out of the county
19 treasury in addition to any other amounts required by this
20 subsection (a).

21 (b) Effective December 1, 2000, no state's attorney may
22 engage in the private practice of law. However, until November
23 30, 2000, (i) the state's attorneys in counties containing
24 fewer than 10,000 inhabitants may engage in the practice of
25 law, and (ii) in any county between 10,000 and 30,000
26 inhabitants or in any county containing 30,000 or more

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

12 (1) In counties containing 10,000 or more inhabitants
13 but less than 20,000 inhabitants, \$46,500 until December
14 31, 1988, \$51,500 until June 30, 1994, and \$61,500
15 thereafter or as set by the Compensation Review Board,
16 whichever is greater. The State shall furnish 100% of the
17 increases taking effect after December 31, 1988.

18 (2) In counties containing 20,000 or more inhabitants
19 but less than 30,000 inhabitants, and in counties
20 containing 30,000 or more inhabitants which reached said
21 population between 1970 and December 31, 1981, \$51,500
22 until December 31, 1988, \$56,000 until June 30, 1994, and
23 \$65,000 thereafter or as set by the Compensation Review
24 Board, whichever is greater. The State shall furnish 100%
25 of the increases taking effect after December 31, 1988.

26 (c) In counties where a state mental health institution, as

1 hereinafter defined, is located, one assistant state's
2 attorney shall, subject to appropriation, receive for his
3 services, payable monthly by the Department of Revenue out of
4 the Personal Property Tax Replacement Fund or the General
5 Revenue Fund to the county in which he is appointed, the
6 following:

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

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

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

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

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

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

25 (d) The population of all counties for the purpose of
26 fixing salaries as herein provided shall be based upon the last

1 Federal census immediately previous to the appointment of an
2 assistant state's attorney in each county.

3 (e) At the request of the county governing authority, in
4 counties where one or more state correctional institutions, as
5 hereinafter defined, are located, one or more assistant state's
6 attorneys shall, subject to appropriation, receive for their
7 services, provided that such services are performed in
8 connection with the state correctional institution, payable
9 monthly by the Department of Revenue out of the Personal
10 Property Tax Replacement Fund or the General Revenue Fund to
11 the county in which they are appointed, the following:

12 (1) \$22,000 for each assistant state's attorney in
13 counties with one or more State correctional institutions
14 with a total average daily inmate population in excess of
15 2,000, on the basis of 2 assistant state's attorneys when
16 the total average daily inmate population exceeds 2,000 but
17 is less than 4,000; and 3 assistant state's attorneys when
18 such population exceeds 4,000; with reimbursement to be
19 based on actual services rendered.

20 (2) \$15,000 per year for one assistant state's attorney
21 in counties having one or more correctional institutions
22 with a total average daily inmate population of between 750
23 and 2,000 inmates, with reimbursement to be based on actual
24 services rendered.

25 (3) A maximum of \$12,000 per year for one assistant
26 state's attorney in counties having less than 750 inmates,

1 with reimbursement to be based on actual services rendered.

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

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

13 (1) the nature of the services rendered;

14 (2) the results or dispositions obtained;

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

19 (f) In counties where a State senior institution of higher
20 education is located, the assistant state's attorneys
21 specified by this Section shall, subject to appropriation,
22 receive for their services, payable monthly by the Department
23 of Revenue out of the Personal Property Tax Replacement Fund or
24 the General Revenue Fund to the county in which appointed, the
25 following:

26 (1) \$14,000 per year each for employment on a full time

1 basis for 2 assistant state's attorneys in counties having
2 a State university or State universities with combined full
3 time enrollment of more than 15,000 students.

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

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

12 Such salaries shall be paid to the state's attorney and the
13 assistant state's attorney in equal monthly installments by
14 such county out of the county treasury provided that, subject
15 to appropriation, the Department of Revenue shall reimburse
16 each county monthly, out of the Personal Property Tax
17 Replacement Fund or the General Revenue Fund, the amount of
18 such salary. This Section shall not prevent the payment of such
19 additional compensation to the state's attorney or assistant
20 state's attorney of any county, out of the treasury of that
21 county as may be provided by law.

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

1 For purposes of this Section, "State correctional
2 institution" means any facility of the Department of
3 Corrections including adult facilities, juvenile facilities,
4 pre-release centers, community correction centers, and work
5 camps.

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

18 (h) A number of assistant state's attorneys shall be
19 appointed in each county that chooses to participate, as
20 provided in this subsection, for the prosecution of
21 alcohol-related traffic offenses. Each county shall receive
22 monthly a subsidy for payment of the salaries and benefits of
23 these assistant state's attorneys from State funds
24 appropriated to the Department of Revenue out of the Personal
25 Property Tax Replacement Fund or the General Revenue Fund for
26 that purpose. The amounts of subsidies provided by this

1 subsection shall be adjusted for inflation each July 1 using
2 the Consumer Price Index of the Bureau of Labor Statistics of
3 the U.S. Department of Labor.

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

23 Assistant state's attorneys shall be appointed under this
24 subsection in the following number and counties shall receive
25 the following annual subsidies:

26 (1) In counties with fewer than 30,000 inhabitants, one

1 at \$35,000.

2 (2) In counties with 30,000 or more but fewer than
3 100,000 inhabitants, one at \$45,000.

4 (3) In counties with 100,000 or more but fewer than
5 300,000 inhabitants, 2 at \$45,000 each.

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

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

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

26 (Source: P.A. 96-259, eff. 8-11-09; 97-72, eff. 7-1-11.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.