

1 AN ACT in relation to criminal law.

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

4 Section 5. The Juvenile Court Act of 1987 is amended by  
5 changing Section 6-1 as follows:

6 (705 ILCS 405/6-1) (from Ch. 37, par. 806-1)

7 Sec. 6-1. Probation departments; functions and duties.

8 (1) The chief judge of each circuit shall make provision  
9 for probation services for each county in his or her circuit.  
10 The appointment of officers to probation or court services  
11 departments and the administration of such departments shall  
12 be governed by the provisions of the Probation and Probation  
13 Officers Act.

14 (2) Every county or every group of counties constituting  
15 a probation district shall maintain a court services or  
16 probation department subject to the provisions of the  
17 Probation and Probation Officers Act. For the purposes of  
18 this Act, such a court services or probation department has,  
19 but is not limited to, the following powers and duties:

20 (a) When authorized or directed by the court, to  
21 receive, investigate and evaluate complaints indicating  
22 dependency, requirement of authoritative intervention,  
23 addiction or delinquency within the meaning of Sections  
24 2-3, 2-4, 3-3, 4-3 or 5-105, respectively; to determine  
25 or assist the complainant in determining whether a  
26 petition should be filed under Sections 2-13, 3-15, 4-12  
27 or 5-520 or whether referral should be made to an agency,  
28 association or other person or whether some other action  
29 is advisable; and to see that the indicating filing,  
30 referral or other action is accomplished. However, no  
31 such investigation, evaluation or supervision by such

1 court services or probation department is to occur with  
2 regard to complaints indicating only that a minor may be  
3 a chronic or habitual truant.

4 (b) When a petition is filed under Section 2-13,  
5 3-15, 4-15 or 5-520, to make pre-hearing investigations  
6 and formulate recommendations to the court when the court  
7 has authorized or directed the department to do so.

8 (c) To counsel and, by order of the court, to  
9 supervise minors referred to the court; to conduct  
10 indicated programs of casework, including referrals for  
11 medical and mental health service, organized recreation  
12 and job placement for wards of the court and, when  
13 appropriate, for members of the family of a ward; to act  
14 as liaison officer between the court and agencies or  
15 associations to which minors are referred or through  
16 which they are placed; when so appointed, to serve as  
17 guardian of the person of a ward of the court; to provide  
18 probation supervision and protective supervision ordered  
19 by the court; and to provide like services to wards and  
20 probationers of courts in other counties or jurisdictions  
21 who have lawfully become local residents.

22 (d) To arrange for placements pursuant to court  
23 order.

24 (e) To assume administrative responsibility for  
25 such detention, shelter care and other institutions for  
26 minors as the court may operate.

27 (f) To maintain an adequate system of case records,  
28 statistical records, and financial records related to  
29 juvenile detention and shelter care and to make reports  
30 to the court and other authorized persons, and to the  
31 Supreme Court pursuant to the Probation and Probation  
32 Officers Act.

33 (g) To perform such other services as may be  
34 appropriate to effectuate the purposes of this Act or as

1           may be directed by any order of court made under this  
2           Act.

3           (3) The court services or probation department in any  
4 probation district or county having less than 1,000,000  
5 inhabitants, or any personnel of the department, may be  
6 required by the circuit court to render services to the court  
7 in other matters as well as proceedings under this Act.

8           (4) In any county or probation district, a probation  
9 department may be established as a separate division of a  
10 more inclusive department of court services, with any  
11 appropriate divisional designation. The organization of any  
12 such department of court services and the appointment of  
13 officers and other personnel must comply with the Probation  
14 and Probations Officers Act.

15           (5) For purposes of this Act only, probation officers  
16 appointed to probation or court services departments shall be  
17 considered peace officers. In the exercise of their official  
18 duties, probation officers, sheriffs, and police officers  
19 may, anywhere within the State, arrest any minor who is in  
20 violation of any of the conditions of his or her probation,  
21 continuance under supervision, or informal supervision, and  
22 it shall be the duty of the officer making the arrest to take  
23 the minor before the court having jurisdiction over the minor  
24 for further action.

25           (Source: P.A. 90-590, eff. 1-1-99; 91-357, eff. 7-29-99.)

26           Section 6. The Criminal Code of 1961 is amended by  
27 changing Section 24-2 as follows:

28           (720 ILCS 5/24-2) (from Ch. 38, par. 24-2)

29           Sec. 24-2. Exemptions.

30           (a) Subsections 24-1(a)(3), 24-1(a)(4) and 24-1(a)(10)  
31 and Section 24-1.6 do not apply to or affect any of the  
32 following:

1           (1) Peace officers, and any person summoned by a  
2 peace officer to assist in making arrests or preserving  
3 the peace, while actually engaged in assisting such  
4 officer.

5           (2) Wardens, superintendents and keepers of  
6 prisons, penitentiaries, jails and other institutions for  
7 the detention of persons accused or convicted of an  
8 offense, while in the performance of their official duty,  
9 or while commuting between their homes and places of  
10 employment.

11           (3) Members of the Armed Services or Reserve Forces  
12 of the United States or the Illinois National Guard or  
13 the Reserve Officers Training Corps, while in the  
14 performance of their official duty.

15           (4) Special agents employed by a railroad or a  
16 public utility to perform police functions, and guards of  
17 armored car companies, while actually engaged in the  
18 performance of the duties of their employment or  
19 commuting between their homes and places of employment;  
20 and watchmen while actually engaged in the performance of  
21 the duties of their employment.

22           (5) Persons licensed as private security  
23 contractors, private detectives, or private alarm  
24 contractors, or employed by an agency certified by the  
25 Department of Professional Regulation, if their duties  
26 include the carrying of a weapon under the provisions of  
27 the Private Detective, Private Alarm, and Private  
28 Security Act of 1983, while actually engaged in the  
29 performance of the duties of their employment or  
30 commuting between their homes and places of employment,  
31 provided that such commuting is accomplished within one  
32 hour from departure from home or place of employment, as  
33 the case may be. Persons exempted under this subdivision  
34 (a)(5) shall be required to have completed a course of

1 study in firearms handling and training approved and  
2 supervised by the Department of Professional Regulation  
3 as prescribed by Section 28 of the Private Detective,  
4 Private Alarm, and Private Security Act of 1983, prior to  
5 becoming eligible for this exemption. The Department of  
6 Professional Regulation shall provide suitable  
7 documentation demonstrating the successful completion of  
8 the prescribed firearms training. Such documentation  
9 shall be carried at all times when such persons are in  
10 possession of a concealable weapon.

11 (6) Any person regularly employed in a commercial  
12 or industrial operation as a security guard for the  
13 protection of persons employed and private property  
14 related to such commercial or industrial operation, while  
15 actually engaged in the performance of his or her duty or  
16 traveling between sites or properties belonging to the  
17 employer, and who, as a security guard, is a member of a  
18 security force of at least 5 persons registered with the  
19 Department of Professional Regulation; provided that such  
20 security guard has successfully completed a course of  
21 study, approved by and supervised by the Department of  
22 Professional Regulation, consisting of not less than 40  
23 hours of training that includes the theory of law  
24 enforcement, liability for acts, and the handling of  
25 weapons. A person shall be considered eligible for this  
26 exemption if he or she has completed the required 20  
27 hours of training for a security officer and 20 hours of  
28 required firearm training, and has been issued a firearm  
29 authorization card by the Department of Professional  
30 Regulation. Conditions for the renewal of firearm  
31 authorization cards issued under the provisions of this  
32 Section shall be the same as for those cards issued under  
33 the provisions of the Private Detective, Private Alarm  
34 and Private Security Act of 1983. Such firearm

1 authorization card shall be carried by the security guard  
2 at all times when he or she is in possession of a  
3 concealable weapon.

4 (7) Agents and investigators of the Illinois  
5 Legislative Investigating Commission authorized by the  
6 Commission to carry the weapons specified in subsections  
7 24-1(a)(3) and 24-1(a)(4), while on duty in the course of  
8 any investigation for the Commission.

9 (8) Persons employed by a financial institution for  
10 the protection of other employees and property related to  
11 such financial institution, while actually engaged in the  
12 performance of their duties, commuting between their  
13 homes and places of employment, or traveling between  
14 sites or properties owned or operated by such financial  
15 institution, provided that any person so employed has  
16 successfully completed a course of study, approved by and  
17 supervised by the Department of Professional Regulation,  
18 consisting of not less than 40 hours of training which  
19 includes theory of law enforcement, liability for acts,  
20 and the handling of weapons. A person shall be considered  
21 to be eligible for this exemption if he or she has  
22 completed the required 20 hours of training for a  
23 security officer and 20 hours of required firearm  
24 training, and has been issued a firearm authorization  
25 card by the Department of Professional Regulation.  
26 Conditions for renewal of firearm authorization cards  
27 issued under the provisions of this Section shall be the  
28 same as for those issued under the provisions of the  
29 Private Detective, Private Alarm and Private Security Act  
30 of 1983. Such firearm authorization card shall be  
31 carried by the person so trained at all times when such  
32 person is in possession of a concealable weapon. For  
33 purposes of this subsection, "financial institution"  
34 means a bank, savings and loan association, credit union

1 or company providing armored car services.

2 (9) Any person employed by an armored car company  
3 to drive an armored car, while actually engaged in the  
4 performance of his duties.

5 (10) Persons who have been classified as peace  
6 officers pursuant to the Peace Officer Fire Investigation  
7 Act.

8 (11) Investigators of the Office of the State's  
9 Attorneys Appellate Prosecutor authorized by the board of  
10 governors of the Office of the State's Attorneys  
11 Appellate Prosecutor to carry weapons pursuant to Section  
12 7.06 of the State's Attorneys Appellate Prosecutor's Act.

13 (12) Special investigators appointed by a State's  
14 Attorney under Section 3-9005 of the Counties Code.

15 (12.5) Probation officers while in the performance  
16 of their duties, or while commuting between their homes,  
17 places of employment or specific locations that are part  
18 of their assigned duties, with the consent of the chief  
19 judge of the circuit for which they are employed.

20 (13) Court Security Officers while in the  
21 performance of their official duties, or while commuting  
22 between their homes and places of employment, with the  
23 consent of the Sheriff.

24 (13.5) A person employed as an armed security guard  
25 at a nuclear energy, storage, weapons or development site  
26 or facility regulated by the Nuclear Regulatory  
27 Commission who has completed the background screening and  
28 training mandated by the rules and regulations of the  
29 Nuclear Regulatory Commission.

30 (14) Manufacture, transportation, or sale of  
31 weapons to persons authorized under subdivisions (1)  
32 through (13.5) of this subsection to possess those  
33 weapons.

34 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section

1 24-1.6 do not apply to or affect any of the following:

2 (1) Members of any club or organization organized  
3 for the purpose of practicing shooting at targets upon  
4 established target ranges, whether public or private, and  
5 patrons of such ranges, while such members or patrons are  
6 using their firearms on those target ranges.

7 (2) Duly authorized military or civil organizations  
8 while parading, with the special permission of the  
9 Governor.

10 (3) Hunters, trappers or fishermen with a license  
11 or permit while engaged in hunting, trapping or fishing.

12 (4) Transportation of weapons that are broken down  
13 in a non-functioning state or are not immediately  
14 accessible.

15 (c) Subsection 24-1(a)(7) does not apply to or affect  
16 any of the following:

17 (1) Peace officers while in performance of their  
18 official duties.

19 (2) Wardens, superintendents and keepers of  
20 prisons, penitentiaries, jails and other institutions for  
21 the detention of persons accused or convicted of an  
22 offense.

23 (3) Members of the Armed Services or Reserve Forces  
24 of the United States or the Illinois National Guard,  
25 while in the performance of their official duty.

26 (4) Manufacture, transportation, or sale of machine  
27 guns to persons authorized under subdivisions (1) through  
28 (3) of this subsection to possess machine guns, if the  
29 machine guns are broken down in a non-functioning state  
30 or are not immediately accessible.

31 (5) Persons licensed under federal law to  
32 manufacture any weapon from which 8 or more shots or  
33 bullets can be discharged by a single function of the  
34 firing device, or ammunition for such weapons, and



1 actually engaged in the business of manufacturing such  
2 weapons or ammunition, but only with respect to  
3 activities which are within the lawful scope of such  
4 business, such as the manufacture, transportation, or  
5 testing of such weapons or ammunition. This exemption  
6 does not authorize the general private possession of any  
7 weapon from which 8 or more shots or bullets can be  
8 discharged by a single function of the firing device, but  
9 only such possession and activities as are within the  
10 lawful scope of a licensed manufacturing business  
11 described in this paragraph.

12 During transportation, such weapons shall be broken  
13 down in a non-functioning state or not immediately  
14 accessible.

15 (6) The manufacture, transport, testing, delivery,  
16 transfer or sale, and all lawful commercial or  
17 experimental activities necessary thereto, of rifles,  
18 shotguns, and weapons made from rifles or shotguns, or  
19 ammunition for such rifles, shotguns or weapons, where  
20 engaged in by a person operating as a contractor or  
21 subcontractor pursuant to a contract or subcontract for  
22 the development and supply of such rifles, shotguns,  
23 weapons or ammunition to the United States government or  
24 any branch of the Armed Forces of the United States, when  
25 such activities are necessary and incident to fulfilling  
26 the terms of such contract.

27 The exemption granted under this subdivision (c)(6)  
28 shall also apply to any authorized agent of any such  
29 contractor or subcontractor who is operating within the  
30 scope of his employment, where such activities involving  
31 such weapon, weapons or ammunition are necessary and  
32 incident to fulfilling the terms of such contract.

33 During transportation, any such weapon shall be  
34 broken down in a non-functioning state, or not

1 immediately accessible.

2 (d) Subsection 24-1(a)(1) does not apply to the  
3 purchase, possession or carrying of a black-jack or  
4 slung-shot by a peace officer.

5 (e) Subsection 24-1(a)(8) does not apply to any owner,  
6 manager or authorized employee of any place specified in that  
7 subsection nor to any law enforcement officer.

8 (f) Subsection 24-1(a)(4) and subsection 24-1(a)(10) and  
9 Section 24-1.6 do not apply to members of any club or  
10 organization organized for the purpose of practicing shooting  
11 at targets upon established target ranges, whether public or  
12 private, while using their firearms on those target ranges.

13 (g) Subsections 24-1(a)(11) and 24-3.1(a)(6) do not  
14 apply to:

15 (1) Members of the Armed Services or Reserve Forces  
16 of the United States or the Illinois National Guard,  
17 while in the performance of their official duty.

18 (2) Bonafide collectors of antique or surplus  
19 military ordinance.

20 (3) Laboratories having a department of forensic  
21 ballistics, or specializing in the development of  
22 ammunition or explosive ordinance.

23 (4) Commerce, preparation, assembly or possession  
24 of explosive bullets by manufacturers of ammunition  
25 licensed by the federal government, in connection with  
26 the supply of those organizations and persons exempted by  
27 subdivision (g)(1) of this Section, or like organizations  
28 and persons outside this State, or the transportation of  
29 explosive bullets to any organization or person exempted  
30 in this Section by a common carrier or by a vehicle owned  
31 or leased by an exempted manufacturer.

32 (h) An information or indictment based upon a violation  
33 of any subsection of this Article need not negative any  
34 exemptions contained in this Article. The defendant shall

1 have the burden of proving such an exemption.

2 (i) Nothing in this Article shall prohibit, apply to, or  
3 affect the transportation, carrying, or possession, of any  
4 pistol or revolver, stun gun, taser, or other firearm  
5 consigned to a common carrier operating under license of the  
6 State of Illinois or the federal government, where such  
7 transportation, carrying, or possession is incident to the  
8 lawful transportation in which such common carrier is  
9 engaged; and nothing in this Article shall prohibit, apply  
10 to, or affect the transportation, carrying, or possession of  
11 any pistol, revolver, stun gun, taser, or other firearm, not  
12 the subject of and regulated by subsection 24-1(a)(7) or  
13 subsection 24-2(c) of this Article, which is unloaded and  
14 enclosed in a case, firearm carrying box, shipping box, or  
15 other container, by the possessor of a valid Firearm Owners  
16 Identification Card.

17 (Source: P.A. 91-287, eff. 1-1-00; 91-690, eff. 4-13-00;  
18 92-325, eff. 8-9-01.)

19 Section 10. The Probation and Probation Officers Act is  
20 amended by changing Section 15 as follows:

21 (730 ILCS 110/15) (from Ch. 38, par. 204-7)

22 Sec. 15. (1) The Supreme Court of Illinois may establish  
23 a Division of Probation Services whose purpose shall be the  
24 development, establishment, promulgation, and enforcement of  
25 uniform standards for probation services in this State, and  
26 to otherwise carry out the intent of this Act. The Division  
27 may:

28 (a) establish qualifications for chief probation  
29 officers and other probation and court services personnel  
30 as to hiring, promotion, and training.

31 (b) make available, on a timely basis, lists of  
32 those applicants whose qualifications meet the

1 regulations referred to herein, including on said lists  
2 all candidates found qualified.

3 (c) establish a means of verifying the conditions  
4 for reimbursement under this Act and develop criteria for  
5 approved costs for reimbursement.

6 (d) develop standards and approve employee  
7 compensation schedules for probation and court services  
8 departments.

9 (e) employ sufficient personnel in the Division to  
10 carry out the functions of the Division.

11 (f) establish a system of training and establish  
12 standards for personnel orientation and training.

13 (g) develop standards for a system of record  
14 keeping for cases and programs, gather statistics,  
15 establish a system of uniform forms, and develop research  
16 for planning of Probation Services.

17 (h) develop standards to assure adequate support  
18 personnel, office space, equipment and supplies, travel  
19 expenses, and other essential items necessary for  
20 Probation and Court Services Departments to carry out  
21 their duties.

22 (i) review and approve annual plans submitted by  
23 Probation and Court Services Departments.

24 (j) monitor and evaluate all programs operated by  
25 Probation and Court Services Departments, and may include  
26 in the program evaluation criteria such factors as the  
27 percentage of Probation sentences for felons convicted of  
28 Probationable offenses.

29 (k) seek the cooperation of local and State  
30 government and private agencies to improve the quality of  
31 probation and court services.

32 (l) where appropriate, establish programs and  
33 corresponding standards designed to generally improve the  
34 quality of probation and court services and reduce the

1 rate of adult or juvenile offenders committed to the  
2 Department of Corrections.

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

6 The Division shall establish a model list of structured  
7 intermediate sanctions that may be imposed by a probation  
8 agency for violations of terms and conditions of a sentence  
9 of probation, conditional discharge, or supervision.

10 The State of Illinois shall provide for the costs of  
11 personnel, travel, equipment, telecommunications, postage,  
12 commodities, printing, space, contractual services and other  
13 related costs necessary to carry out the intent of this Act.

14 (2) (a) The chief judge of each circuit shall provide  
15 full-time probation services for all counties within the  
16 circuit, in a manner consistent with the annual probation  
17 plan, the standards, policies, and regulations established by  
18 the Supreme Court. A probation district of two or more  
19 counties within a circuit may be created for the purposes of  
20 providing full-time probation services. Every county or group  
21 of counties within a circuit shall maintain a probation  
22 department which shall be under the authority of the Chief  
23 Judge of the circuit or some other judge designated by the  
24 Chief Judge. The Chief Judge, through the Probation and Court  
25 Services Department shall submit annual plans to the Division  
26 for probation and related services.

27 (b) The Chief Judge of each circuit shall appoint the  
28 Chief Probation Officer and all other probation officers for  
29 his or her circuit from lists of qualified applicants  
30 supplied by the Supreme Court. Candidates for chief managing  
31 officer and other probation officer positions must apply with  
32 both the Chief Judge of the circuit and the Supreme Court.

33 (3) A Probation and Court Service Department shall apply  
34 to the Supreme Court for funds for basic services, and may

1 apply for funds for new and expanded programs or  
2 Individualized Services and Programs. Costs shall be  
3 reimbursed monthly based on a plan and budget approved by the  
4 Supreme Court. No Department may be reimbursed for costs  
5 which exceed or are not provided for in the approved annual  
6 plan and budget. After the effective date of this amendatory  
7 Act of 1985, each county must provide basic services in  
8 accordance with the annual plan and standards created by the  
9 division. No department may receive funds for new or expanded  
10 programs or individualized services and programs unless they  
11 are in compliance with standards as enumerated in paragraph  
12 (h) of subsection (1) of this Section, the annual plan, and  
13 standards for basic services.

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

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

19 (b) 100% of the salary for all probation officer  
20 and supervisor positions approved for reimbursement by  
21 the division after April 1, 1984, to meet workload  
22 standards and to implement intensive sanction and  
23 probation supervision programs and other basic services  
24 as defined in this Act.

25 (c) 100% of the salary for all secure detention  
26 personnel and non-secure group home personnel approved  
27 for reimbursement after December 1, 1990. For all such  
28 positions approved for reimbursement before December 1,  
29 1990, the counties shall be reimbursed \$1,250 per month  
30 beginning July 1, 1995, and an additional \$250 per month  
31 beginning each July 1st thereafter until the positions  
32 receive 100% salary reimbursement. Allocation of such  
33 positions will be based on comparative need considering  
34 capacity, staff/resident ratio, physical plant and

1 program.

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

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

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

20 (5) The Division shall provide funds beginning on April  
21 1, 1987 for the counties to provide Individualized Services  
22 and Programs as provided in Section 16 of this Act.

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

29 (a) The Department shall have on file with the  
30 Supreme Court an annual Probation plan for continuing,  
31 improved, and new Probation and Court Services Programs  
32 approved by the Supreme Court or its designee. This plan  
33 shall indicate the manner in which Probation and Court  
34 Services will be delivered and improved, consistent with

1 the minimum standards and regulations for Probation and  
2 Court Services, as established by the Supreme Court. In  
3 counties with more than one Probation and Court Services  
4 Department eligible to receive funds, all Departments  
5 within that county must submit plans which are approved  
6 by the Supreme Court.

7 (b) The annual probation plan shall seek to  
8 generally improve the quality of probation services and  
9 to reduce the commitment of adult and juvenile offenders  
10 to the Department of Corrections and shall require, when  
11 appropriate, coordination with the Department of  
12 Corrections and the Department of Children and Family  
13 Services in the development and use of community  
14 resources, information systems, case review and  
15 permanency planning systems to avoid the duplication of  
16 services.

17 (c) The Department shall be in compliance with  
18 standards developed by the Supreme Court for basic, new  
19 and expanded services, training, personnel hiring and  
20 promotion.

21 (d) The Department shall in its annual plan  
22 indicate the manner in which it will support the rights  
23 of crime victims and in which manner it will implement  
24 Article I, Section 8.1 of the Illinois Constitution and  
25 in what manner it will coordinate crime victims' support  
26 services with other criminal justice agencies within its  
27 jurisdiction, including but not limited to, the State's  
28 Attorney, the Sheriff and any municipal police  
29 department.

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

33 (a) The probation officer is a full-time employee  
34 appointed by the Chief Judge to provide probation



1 services.

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

5 (c) The probation officer is appointed or was  
6 reappointed in accordance with minimum qualifications or  
7 criteria established by the Supreme Court; however, all  
8 probation officers appointed prior to January 1, 1978,  
9 shall be exempted from the minimum requirements  
10 established by the Supreme Court. Payments shall be made  
11 to counties employing these exempted probation officers  
12 as long as they are employed in the position held on the  
13 effective date of this amendatory Act of 1985.  
14 Promotions shall be governed by minimum qualifications  
15 established by the Supreme Court.

16 (d) The Department has an established compensation  
17 schedule approved by the Supreme Court. The compensation  
18 schedule shall include salary ranges with necessary  
19 increments to compensate each employee. The increments  
20 shall, within the salary ranges, be based on such factors  
21 as bona fide occupational qualifications, performance,  
22 and length of service. Each position in the Department  
23 shall be placed on the compensation schedule according to  
24 job duties and responsibilities of such position. The  
25 policy and procedures of the compensation schedule shall  
26 be made available to each employee.

27 (8) In order to obtain full reimbursement of all  
28 approved costs, each Department must continue to employ at  
29 least the same number of probation officers and probation  
30 managers as were authorized for employment for the fiscal  
31 year which includes January 1, 1985. This number shall be  
32 designated as the base amount of the Department. No positions  
33 approved by the Division under paragraph (b) of subsection 4  
34 will be included in the base amount. In the event that the

1 Department employs fewer Probation officers and Probation  
2 managers than the base amount for a period of 90 days,  
3 funding received by the Department under subsection 4 of this  
4 Section may be reduced on a monthly basis by the amount of  
5 the current salaries of any positions below the base amount.

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

27 (10) The county treasurer must certify that funds  
28 received under this Section shall be used solely to maintain  
29 and improve Probation and Court Services. The county or  
30 circuit shall remain in compliance with all standards,  
31 policies and regulations established by the Supreme Court. If  
32 at any time the Supreme Court determines that a county or  
33 circuit is not in compliance, the Supreme Court shall  
34 immediately notify the Chief Judge, county board chairman and

1 the Director of Court Services Chief Probation Officer. If  
2 after 90 days of written notice the noncompliance still  
3 exists, the Supreme Court shall be required to reduce the  
4 amount of monthly reimbursement by 10%. An additional 10%  
5 reduction of monthly reimbursement shall occur for each  
6 consecutive month of noncompliance. Except as provided in  
7 subsection 5 of Section 15, funding to counties shall  
8 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.

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

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

24 (Source: P.A. 89-198, eff. 7-21-95; 89-390, eff. 8-20-95;  
25 89-626, eff. 8-9-96.)