

# SB1343



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

SB1343

Introduced 2/9/2017, by Sen. John G. Mulroe

#### SYNOPSIS AS INTRODUCED:

730 ILCS 110/15

from Ch. 38, par. 204-7

Amends the Probation and Probation Officers Act. Provides that the Division of Probation Services shall establish training standards for continuing education of probation officers and supervisors and broaden access to available training programs. Effective immediately.

LRB100 10074 RLC 20246 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 Supreme Court of Illinois may establish a  
8 Division of Probation Services whose purpose shall be the  
9 development, establishment, promulgation, and enforcement of  
10 uniform standards for probation services in this State, and to  
11 otherwise carry out the intent of this Act. The Division may:

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

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

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

22 (d) develop standards and approve employee  
23 compensation schedules for probation and court services

1 departments.

2 (e) employ sufficient personnel in the Division to  
3 carry out the functions of the Division.

4 (f) establish a system of training and establish  
5 standards for personnel orientation and training.

6 (g) develop standards for a system of record keeping  
7 for cases and programs, gather statistics, establish a  
8 system of uniform forms, and develop research for planning  
9 of Probation Services.

10 (h) develop standards to assure adequate support  
11 personnel, office space, equipment and supplies, travel  
12 expenses, and other essential items necessary for  
13 Probation and Court Services Departments to carry out their  
14 duties.

15 (i) review and approve annual plans submitted by  
16 Probation and Court Services Departments.

17 (j) monitor and evaluate all programs operated by  
18 Probation and Court Services Departments, and may include  
19 in the program evaluation criteria such factors as the  
20 percentage of Probation sentences for felons convicted of  
21 Probationable offenses.

22 (k) seek the cooperation of local and State government  
23 and private agencies to improve the quality of probation  
24 and court services.

25 (l) where appropriate, establish programs and  
26 corresponding standards designed to generally improve the

1 quality of probation and court services and reduce the rate  
2 of adult or juvenile offenders committed to the Department  
3 of Corrections.

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

7 The Division shall develop standards to implement the  
8 Domestic Violence Surveillance Program established under  
9 Section 5-8A-7 of the Unified Code of Corrections, including  
10 (i) procurement of equipment and other services necessary to  
11 implement the program and (ii) development of uniform standards  
12 for the delivery of the program through county probation  
13 departments, and develop standards for collecting data to  
14 evaluate the impact and costs of the Domestic Violence  
15 Surveillance Program.

16 The Division shall establish a model list of structured  
17 intermediate sanctions that may be imposed by a probation  
18 agency for violations of terms and conditions of a sentence of  
19 probation, conditional discharge, or supervision.

20 The Division shall establish training standards for  
21 continuing education of probation officers and supervisors and  
22 broaden access to available training programs.

23 The State of Illinois shall provide for the costs of  
24 personnel, travel, equipment, telecommunications, postage,  
25 commodities, printing, space, contractual services and other  
26 related costs necessary to carry out the intent of this Act.

1           (2) (a) The chief judge of each circuit shall provide  
2 full-time probation services for all counties within the  
3 circuit, in a manner consistent with the annual probation plan,  
4 the standards, policies, and regulations established by the  
5 Supreme Court. A probation district of two or more counties  
6 within a circuit may be created for the purposes of providing  
7 full-time probation services. Every county or group of counties  
8 within a circuit shall maintain a probation department which  
9 shall be under the authority of the Chief Judge of the circuit  
10 or some other judge designated by the Chief Judge. The Chief  
11 Judge, through the Probation and Court Services Department  
12 shall submit annual plans to the Division for probation and  
13 related services.

14           (b) The Chief Judge of each circuit shall appoint the Chief  
15 Probation Officer and all other probation officers for his or  
16 her circuit from lists of qualified applicants supplied by the  
17 Supreme Court. Candidates for chief managing officer and other  
18 probation officer positions must apply with both the Chief  
19 Judge of the circuit and the Supreme Court.

20           (3) A Probation and Court Service Department shall apply to  
21 the Supreme Court for funds for basic services, and may apply  
22 for funds for new and expanded programs or Individualized  
23 Services and Programs. Costs shall be reimbursed monthly based  
24 on a plan and budget approved by the Supreme Court. No  
25 Department may be reimbursed for costs which exceed or are not  
26 provided for in the approved annual plan and budget. After the

1 effective date of this amendatory Act of 1985, each county must  
2 provide basic services in accordance with the annual plan and  
3 standards created by the division. No department may receive  
4 funds for new or expanded programs or individualized services  
5 and programs unless they are in compliance with standards as  
6 enumerated in paragraph (h) of subsection (1) of this Section,  
7 the annual plan, and standards for basic services.

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

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

12 (b) 100% of the salary for all probation officer and  
13 supervisor positions approved for reimbursement by the  
14 division after April 1, 1984, to meet workload standards  
15 and to implement intensive sanction and probation  
16 supervision programs and other basic services as defined in  
17 this Act.

18 (c) 100% of the salary for all secure detention  
19 personnel and non-secure group home personnel approved for  
20 reimbursement after December 1, 1990. For all such  
21 positions approved for reimbursement before December 1,  
22 1990, the counties shall be reimbursed \$1,250 per month  
23 beginning July 1, 1995, and an additional \$250 per month  
24 beginning each July 1st thereafter until the positions  
25 receive 100% salary reimbursement. Allocation of such  
26 positions will be based on comparative need considering

1 capacity, staff/resident ratio, physical plant and  
2 program.

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

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

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

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

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

1 Departments to be eligible for funding must satisfy the  
2 following conditions:

3 (a) The Department shall have on file with the Supreme  
4 Court an annual Probation plan for continuing, improved,  
5 and new Probation and Court Services Programs approved by  
6 the Supreme Court or its designee. This plan shall indicate  
7 the manner in which Probation and Court Services will be  
8 delivered and improved, consistent with the minimum  
9 standards and regulations for Probation and Court  
10 Services, as established by the Supreme Court. In counties  
11 with more than one Probation and Court Services Department  
12 eligible to receive funds, all Departments within that  
13 county must submit plans which are approved by the Supreme  
14 Court.

15 (b) The annual probation plan shall seek to generally  
16 improve the quality of probation services and to reduce the  
17 commitment of adult offenders to the Department of  
18 Corrections and to reduce the commitment of juvenile  
19 offenders to the Department of Juvenile Justice and shall  
20 require, when appropriate, coordination with the  
21 Department of Corrections, the Department of Juvenile  
22 Justice, and the Department of Children and Family Services  
23 in the development and use of community resources,  
24 information systems, case review and permanency planning  
25 systems to avoid the duplication of services.

26 (c) The Department shall be in compliance with



1 standards developed by the Supreme Court for basic, new and  
2 expanded services, training, personnel hiring and  
3 promotion.

4 (d) The Department shall in its annual plan indicate  
5 the manner in which it will support the rights of crime  
6 victims and in which manner it will implement Article I,  
7 Section 8.1 of the Illinois Constitution and in what manner  
8 it will coordinate crime victims' support services with  
9 other criminal justice agencies within its jurisdiction,  
10 including but not limited to, the State's Attorney, the  
11 Sheriff and any municipal police department.

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

15 (a) The probation officer is a full-time employee  
16 appointed by the Chief Judge to provide probation services.

17 (b) The probation officer, in order to be eligible for  
18 State reimbursement, is receiving a salary of at least  
19 \$17,000 per year.

20 (c) The probation officer is appointed or was  
21 reappointed in accordance with minimum qualifications or  
22 criteria established by the Supreme Court; however, all  
23 probation officers appointed prior to January 1, 1978,  
24 shall be exempted from the minimum requirements  
25 established by the Supreme Court. Payments shall be made to  
26 counties employing these exempted probation officers as

1 long as they are employed in the position held on the  
2 effective date of this amendatory Act of 1985. Promotions  
3 shall be governed by minimum qualifications established by  
4 the Supreme Court.

5 (d) The Department has an established compensation  
6 schedule approved by the Supreme Court. The compensation  
7 schedule shall include salary ranges with necessary  
8 increments to compensate each employee. The increments  
9 shall, within the salary ranges, be based on such factors  
10 as bona fide occupational qualifications, performance, and  
11 length of service. Each position in the Department shall be  
12 placed on the compensation schedule according to job duties  
13 and responsibilities of such position. The policy and  
14 procedures of the compensation schedule shall be made  
15 available to each employee.

16 (8) In order to obtain full reimbursement of all approved  
17 costs, each Department must continue to employ at least the  
18 same number of probation officers and probation managers as  
19 were authorized for employment for the fiscal year which  
20 includes January 1, 1985. This number shall be designated as  
21 the base amount of the Department. No positions approved by the  
22 Division under paragraph (b) of subsection 4 will be included  
23 in the base amount. In the event that the Department employs  
24 fewer Probation officers and Probation managers than the base  
25 amount for a period of 90 days, funding received by the  
26 Department under subsection 4 of this Section may be reduced on

1 a monthly basis by the amount of the current salaries of any  
2 positions below the base amount.

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

22 (10) The county treasurer must certify that funds received  
23 under this Section shall be used solely to maintain and improve  
24 Probation and Court Services. The county or circuit shall  
25 remain in compliance with all standards, policies and  
26 regulations established by the Supreme Court. If at any time

1 the Supreme Court determines that a county or circuit is not in  
2 compliance, the Supreme Court shall immediately notify the  
3 Chief Judge, county board chairman and the Director of Court  
4 Services Chief Probation Officer. If after 90 days of written  
5 notice the noncompliance still exists, the Supreme Court shall  
6 be required to reduce the amount of monthly reimbursement by  
7 10%. An additional 10% reduction of monthly reimbursement shall  
8 occur for each consecutive month of noncompliance. Except as  
9 provided in subsection 5 of Section 15, funding to counties  
10 shall commence on April 1, 1986. Funds received under this Act  
11 shall be used to provide for Probation Department expenses  
12 including those required under Section 13 of this Act. The  
13 Mandatory Arbitration Fund may be used to provide for Probation  
14 Department expenses, including those required under Section 13  
15 of this Act.

16 (11) The respective counties shall be responsible for  
17 capital and space costs, fringe benefits, clerical costs,  
18 equipment, telecommunications, postage, commodities and  
19 printing.

20 (12) For purposes of this Act only, probation officers  
21 shall be considered peace officers. In the exercise of their  
22 official duties, probation officers, sheriffs, and police  
23 officers may, anywhere within the State, arrest any probationer  
24 who is in violation of any of the conditions of his or her  
25 probation, conditional discharge, or supervision, and it shall  
26 be the duty of the officer making the arrest to take the

1 probationer before the Court having jurisdiction over the  
2 probationer for further order.

3 (Source: P.A. 95-707, eff. 1-11-08; 95-773, eff. 1-1-09;  
4 96-688, eff. 8-25-09.)

5 Section 99. Effective date. This Act takes effect upon  
6 becoming law.