



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

SB1799

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

#### SYNOPSIS AS INTRODUCED:

705 ILCS 405/5-410  
705 ILCS 405/5-415  
705 ILCS 405/5-420 new  
730 ILCS 110/15

from Ch. 38, par. 204-7

Amends the Juvenile Court Act of 1987. Provides that on and after January 1, 2019, a detention screening instrument shall be used for referrals to all authorized juvenile detention facilities in this State prior to a judicial hearing. Provides a minor alleged to be a delinquent minor taken into temporary custody must be brought before a judicial officer within 48 hours (rather than 40 hours, excluding Saturdays, Sundays and court designated holidays). Provides that if an appearance is required of any minor taken and held in a place of custody or confinement operated by the State or any of its political subdivisions, including counties and municipalities, the chief judge of the circuit may permit by rule for the minor's personal appearance to be made by means of two-way audio-visual communication, including closed circuit television and computerized video conference, in the following proceedings: the initial appearance before a judge; a detention or shelter care hearing; or any status hearing. Amends the Probation and Probation Officers Act. Provides that the Division of Probation Services of the Supreme Court shall adopt a statewide juvenile detention screening instrument that has been verified through evidence-based and data-based practices that is to be used by all authorized juvenile detention facilities. Makes other changes. Effective immediately.

LRB100 07523 SLF 17588 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning courts.

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 Sections 5-410 and 5-415 and by adding Section 5-420  
6 as follows:

7 (705 ILCS 405/5-410)

8 Sec. 5-410. Non-secure custody or detention.

9 (1) Any minor arrested or taken into custody pursuant to  
10 this Act who requires care away from his or her home but who  
11 does not require physical restriction shall be given temporary  
12 care in a foster family home or other shelter facility  
13 designated by the court.

14 (2) (a) Any minor 10 years of age or older arrested  
15 pursuant to this Act where there is probable cause to believe  
16 that the minor is a delinquent minor and that (i) secured  
17 custody is a matter of immediate and urgent necessity for the  
18 protection of the minor or of the person or property of  
19 another, (ii) the minor is likely to flee the jurisdiction of  
20 the court, or (iii) the minor was taken into custody under a  
21 warrant, may be kept or detained in an authorized detention  
22 facility. A minor under 13 years of age shall not be admitted,  
23 kept, or detained in a detention facility unless a local youth

1 service provider, including a provider through the  
2 Comprehensive Community Based Youth Services network, has been  
3 contacted and has not been able to accept the minor. No minor  
4 under 12 years of age shall be detained in a county jail or a  
5 municipal lockup for more than 6 hours.

6 (b) The written authorization of the probation officer or  
7 detention officer (or other public officer designated by the  
8 court in a county having 3,000,000 or more inhabitants)  
9 constitutes authority for the superintendent of any juvenile  
10 detention home to detain and keep a minor for up to 48 ~~40~~  
11 ~~hours, excluding Saturdays, Sundays and court-designated~~  
12 ~~holidays~~. These records shall be available to the same persons  
13 and pursuant to the same conditions as are law enforcement  
14 records as provided in Section 5-905.

15 (b-4) The consultation required by subsection (b-5) shall  
16 not be applicable if the probation officer or detention officer  
17 (or other public officer designated by the court in a county  
18 having 3,000,000 or more inhabitants) utilizes a scorable  
19 detention screening instrument, which has been developed with  
20 input by the State's Attorney, to determine whether a minor  
21 should be detained, however, subsection (b-5) shall still be  
22 applicable where no such screening instrument is used or where  
23 the probation officer, detention officer (or other public  
24 officer designated by the court in a county having 3,000,000 or  
25 more inhabitants) deviates from the screening instrument.

26 On and after January 1, 2019, a detention screening

1 instrument shall be used for referrals to all authorized  
2 juvenile detention facilities in this State prior to a judicial  
3 hearing. The detention screening instrument shall be developed  
4 and validated by the Probation Division of the Administrative  
5 Office of the Illinois Courts, as provided in Section 15 of the  
6 Probation and Probation Officers Act, and subject to approval  
7 by the Chief Judge of each Circuit.

8 (b-5) Subject to the provisions of subsection (b-4), if a  
9 probation officer or detention officer (or other public officer  
10 designated by the court in a county having 3,000,000 or more  
11 inhabitants) does not intend to detain a minor for an offense  
12 which constitutes one of the following offenses he or she shall  
13 consult with the State's Attorney's Office prior to the release  
14 of the minor: first degree murder, second degree murder,  
15 involuntary manslaughter, criminal sexual assault, aggravated  
16 criminal sexual assault, aggravated battery with a firearm as  
17 described in Section 12-4.2 or subdivision (e)(1), (e)(2),  
18 (e)(3), or (e)(4) of Section 12-3.05, aggravated or heinous  
19 battery involving permanent disability or disfigurement or  
20 great bodily harm, robbery, aggravated robbery, armed robbery,  
21 vehicular hijacking, aggravated vehicular hijacking, vehicular  
22 invasion, arson, aggravated arson, kidnapping, aggravated  
23 kidnapping, home invasion, burglary, or residential burglary.

24 (c) Except as otherwise provided in paragraph (a), (d), or  
25 (e), no minor shall be detained in a county jail or municipal  
26 lockup for more than 12 hours, unless the offense is a crime of

1 violence in which case the minor may be detained up to 24  
2 hours. For the purpose of this paragraph, "crime of violence"  
3 has the meaning ascribed to it in Section 1-10 of the  
4 Alcoholism and Other Drug Abuse and Dependency Act.

5 (i) The period of detention is deemed to have begun  
6 once the minor has been placed in a locked room or cell or  
7 handcuffed to a stationary object in a building housing a  
8 county jail or municipal lockup. Time spent transporting a  
9 minor is not considered to be time in detention or secure  
10 custody.

11 (ii) Any minor so confined shall be under periodic  
12 supervision and shall not be permitted to come into or  
13 remain in contact with adults in custody in the building.

14 (iii) Upon placement in secure custody in a jail or  
15 lockup, the minor shall be informed of the purpose of the  
16 detention, the time it is expected to last and the fact  
17 that it cannot exceed the time specified under this Act.

18 (iv) A log shall be kept which shows the offense which  
19 is the basis for the detention, the reasons and  
20 circumstances for the decision to detain and the length of  
21 time the minor was in detention.

22 (v) Violation of the time limit on detention in a  
23 county jail or municipal lockup shall not, in and of  
24 itself, render inadmissible evidence obtained as a result  
25 of the violation of this time limit. Minors under 18 years  
26 of age shall be kept separate from confined adults and may

1 not at any time be kept in the same cell, room or yard with  
2 adults confined pursuant to criminal law. Persons 18 years  
3 of age and older who have a petition of delinquency filed  
4 against them may be confined in an adult detention  
5 facility. In making a determination whether to confine a  
6 person 18 years of age or older who has a petition of  
7 delinquency filed against the person, these factors, among  
8 other matters, shall be considered:

9 (A) The age of the person;

10 (B) Any previous delinquent or criminal history of  
11 the person;

12 (C) Any previous abuse or neglect history of the  
13 person; and

14 (D) Any mental health or educational history of the  
15 person, or both.

16 (d) (i) If a minor 12 years of age or older is confined in a  
17 county jail in a county with a population below 3,000,000  
18 inhabitants, then the minor's confinement shall be implemented  
19 in such a manner that there will be no contact by sight, sound  
20 or otherwise between the minor and adult prisoners. Minors 12  
21 years of age or older must be kept separate from confined  
22 adults and may not at any time be kept in the same cell, room,  
23 or yard with confined adults. This paragraph (d) (i) shall only  
24 apply to confinement pending an adjudicatory hearing and shall  
25 not exceed 48 ~~40~~ hours, ~~excluding Saturdays, Sundays and court~~  
26 ~~designated holidays~~. To accept or hold minors during this time

1 period, county jails shall comply with all monitoring standards  
2 adopted by the Department of Corrections and training standards  
3 approved by the Illinois Law Enforcement Training Standards  
4 Board.

5 (ii) To accept or hold minors, 12 years of age or older,  
6 after the time period prescribed in paragraph (d)(i) of this  
7 subsection (2) of this Section but not exceeding 7 days  
8 including Saturdays, Sundays and holidays pending an  
9 adjudicatory hearing, county jails shall comply with all  
10 temporary detention standards adopted by the Department of  
11 Corrections and training standards approved by the Illinois Law  
12 Enforcement Training Standards Board.

13 (iii) To accept or hold minors 12 years of age or older,  
14 after the time period prescribed in paragraphs (d)(i) and  
15 (d)(ii) of this subsection (2) of this Section, county jails  
16 shall comply with all county juvenile detention standards  
17 adopted by the Department of Juvenile Justice.

18 (e) When a minor who is at least 15 years of age is  
19 prosecuted under the criminal laws of this State, the court may  
20 enter an order directing that the juvenile be confined in the  
21 county jail. However, any juvenile confined in the county jail  
22 under this provision shall be separated from adults who are  
23 confined in the county jail in such a manner that there will be  
24 no contact by sight, sound or otherwise between the juvenile  
25 and adult prisoners.

26 (f) For purposes of appearing in a physical lineup, the

1 minor may be taken to a county jail or municipal lockup under  
2 the direct and constant supervision of a juvenile police  
3 officer. During such time as is necessary to conduct a lineup,  
4 and while supervised by a juvenile police officer, the sight  
5 and sound separation provisions shall not apply.

6 (g) For purposes of processing a minor, the minor may be  
7 taken to a County Jail or municipal lockup under the direct and  
8 constant supervision of a law enforcement officer or  
9 correctional officer. During such time as is necessary to  
10 process the minor, and while supervised by a law enforcement  
11 officer or correctional officer, the sight and sound separation  
12 provisions shall not apply.

13 (3) If the probation officer or State's Attorney (or such  
14 other public officer designated by the court in a county having  
15 3,000,000 or more inhabitants) determines that the minor may be  
16 a delinquent minor as described in subsection (3) of Section  
17 5-105, and should be retained in custody but does not require  
18 physical restriction, the minor may be placed in non-secure  
19 custody for up to 40 hours pending a detention hearing.

20 (4) Any minor taken into temporary custody, not requiring  
21 secure detention, may, however, be detained in the home of his  
22 or her parent or guardian subject to such conditions as the  
23 court may impose.

24 (5) The changes made to this Section by Public Act 98-61  
25 apply to a minor who has been arrested or taken into custody on  
26 or after January 1, 2014 (the effective date of Public Act



1 98-61).

2 (Source: P.A. 98-61, eff. 1-1-14; 98-685, eff. 1-1-15; 98-756,  
3 eff. 7-16-14; 99-254, eff. 1-1-16.)

4 (705 ILCS 405/5-415)

5 Sec. 5-415. Setting of detention or shelter care hearing;  
6 release.

7 (1) Unless sooner released, a minor alleged to be a  
8 delinquent minor taken into temporary custody must be brought  
9 before a judicial officer within 48 ~~40~~ hours for a detention or  
10 shelter care hearing to determine whether he or she shall be  
11 further held in custody. If a minor alleged to be a delinquent  
12 minor taken into custody is hospitalized or is receiving  
13 treatment for a physical or mental condition, and is unable to  
14 be brought before a judicial officer for a detention or shelter  
15 care hearing, the 48 ~~40~~ hour period will not commence until the  
16 minor is released from the hospital or place of treatment. If  
17 the minor gives false information to law enforcement officials  
18 regarding the minor's identity or age, the 48 ~~40~~ hour period  
19 will not commence until the court rules that the minor is  
20 subject to this Act and not subject to prosecution under the  
21 Criminal Code of 1961 or the Criminal Code of 2012. Any other  
22 delay attributable to a minor alleged to be a delinquent minor  
23 who is taken into temporary custody shall act to toll the 48 ~~40~~  
24 hour time period. The 48 ~~40~~ hour time period shall be tolled to  
25 allow counsel for the minor to prepare for the detention or

1 shelter care hearing, upon a motion filed by such counsel and  
2 granted by the court. In all cases, the 48 ~~40~~ hour time period  
3 includes any Saturday, Sunday, or court-designated holiday  
4 within the period ~~is exclusive of Saturdays, Sundays and~~  
5 ~~court-designated holidays.~~

6 (2) If the State's Attorney or probation officer (or other  
7 public officer designated by the court in a county having more  
8 than 3,000,000 inhabitants) determines that the minor should be  
9 retained in custody, he or she shall cause a petition to be  
10 filed as provided in Section 5-520 of this Article, and the  
11 clerk of the court shall set the matter for hearing on the  
12 detention or shelter care hearing calendar. Immediately upon  
13 the filing of a petition in the case of a minor retained in  
14 custody, the court shall cause counsel to be appointed to  
15 represent the minor. When a parent, legal guardian, custodian,  
16 or responsible relative is present and so requests, the  
17 detention or shelter care hearing shall be held immediately if  
18 the court is in session and the State is ready to proceed,  
19 otherwise at the earliest feasible time. In no event shall a  
20 detention or shelter care hearing be held until the minor has  
21 had adequate opportunity to consult with counsel. The probation  
22 officer or such other public officer designated by the court in  
23 a county having more than 3,000,000 inhabitants shall notify  
24 the minor's parent, legal guardian, custodian, or responsible  
25 relative of the time and place of the hearing. The notice may  
26 be given orally.

1           (3) The minor must be released from custody at the  
2 expiration of the 48 ~~40~~ hour period specified by this Section  
3 if not brought before a judicial officer within that period.

4           (4) After the initial 48 ~~40~~ hour period has lapsed, the  
5 court may review the minor's custodial status at any time prior  
6 to the trial or sentencing hearing. If during this time period  
7 new or additional information becomes available concerning the  
8 minor's conduct, the court may conduct a hearing to determine  
9 whether the minor should be placed in a detention or shelter  
10 care facility. If the court finds that there is probable cause  
11 that the minor is a delinquent minor and that it is a matter of  
12 immediate and urgent necessity for the protection of the minor  
13 or of the person or property of another, or that he or she is  
14 likely to flee the jurisdiction of the court, the court may  
15 order that the minor be placed in detention or shelter care.

16           (Source: P.A. 97-1150, eff. 1-25-13.)

17           (705 ILCS 405/5-420 new)

18           Sec. 5-420. Minor's appearance by closed circuit  
19 television and video conference.

20           (a) If an appearance, under this Act, is required of any  
21 minor taken and held in a place of custody or confinement  
22 operated by the State or any of its political subdivisions,  
23 including counties and municipalities, the chief judge of the  
24 circuit may permit by rule for the minor's personal appearance  
25 to be made by means of two-way audio-visual communication,

1 including closed circuit television and computerized video  
2 conference, in the following proceedings:

- 3 (1) the initial appearance before a judge;  
4 (2) a detention or shelter care hearing; or  
5 (3) any status hearing.

6 (b) The two-way audio-visual communication facilities must  
7 provide two-way audio-visual communication between the court  
8 and the place of custody or confinement, and must include a  
9 secure line over which the minor in custody and his or her  
10 counsel may communicate.

11 (c) Nothing in this Section shall be construed to prohibit  
12 other court appearances through the use of two-way audio-visual  
13 communication, upon waiver of any right the minor in custody or  
14 confinement may have to be present physically.

15 (d) Nothing in this Section shall be construed to establish  
16 a right of any minor held in custody or confinement to appear  
17 in court through two-way audio-visual communication or to  
18 require that any governmental entity, or place of custody or  
19 confinement, provide two-way audio-visual communication.

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

22 (730 ILCS 110/15) (from Ch. 38, par. 204-7)

23 Sec. 15. (1) The Supreme Court of Illinois may establish a  
24 Division of Probation Services whose purpose shall be the

1 development, establishment, promulgation, and enforcement of  
2 uniform standards for probation services in this State, and to  
3 otherwise carry out the intent of this Act. The Division may:

4 (a) establish qualifications for chief probation  
5 officers and other probation and court services personnel  
6 as to hiring, promotion, and training.

7 (b) make available, on a timely basis, lists of those  
8 applicants whose qualifications meet the regulations  
9 referred to herein, including on said lists all candidates  
10 found qualified.

11 (c) establish a means of verifying the conditions for  
12 reimbursement under this Act and develop criteria for  
13 approved costs for reimbursement.

14 (d) develop standards and approve employee  
15 compensation schedules for probation and court services  
16 departments.

17 (e) employ sufficient personnel in the Division to  
18 carry out the functions of the Division.

19 (f) establish a system of training and establish  
20 standards for personnel orientation and training.

21 (g) develop standards for a system of record keeping  
22 for cases and programs, gather statistics, establish a  
23 system of uniform forms, and develop research for planning  
24 of Probation Services.

25 (h) develop standards to assure adequate support  
26 personnel, office space, equipment and supplies, travel

1 expenses, and other essential items necessary for  
2 Probation and Court Services Departments to carry out their  
3 duties.

4 (i) review and approve annual plans submitted by  
5 Probation and Court Services Departments.

6 (j) monitor and evaluate all programs operated by  
7 Probation and Court Services Departments, and may include  
8 in the program evaluation criteria such factors as the  
9 percentage of Probation sentences for felons convicted of  
10 Probationable offenses.

11 (k) seek the cooperation of local and State government  
12 and private agencies to improve the quality of probation  
13 and court services.

14 (l) where appropriate, establish programs and  
15 corresponding standards designed to generally improve the  
16 quality of probation and court services and reduce the rate  
17 of adult or juvenile offenders committed to the Department  
18 of Corrections.

19 (m) establish such other standards and regulations and  
20 do all acts necessary to carry out the intent and purposes  
21 of this Act.

22 The Division shall adopt a statewide juvenile detention  
23 screening instrument that has been verified through  
24 evidence-based and data-based practices that is to be used by  
25 all authorized juvenile detention facilities. The scoring for  
26 this screening tool may include, but is not limited to, the

1 following determinations or factors:

2 (i) the likelihood that the juvenile will appear in  
3 court;

4 (ii) the severity of the charge against the juvenile;

5 (iii) whether the current incident involved violence  
6 or a weapon, or the threat of or use of a weapon;

7 (iv) the number of prior interactions the juvenile has  
8 with the juvenile justice system;

9 (v) whether prior incidents of the juvenile involved  
10 violence or a weapon, or the threat of or use of a weapon;

11 (vi) whether there is a safe environment to return the  
12 juvenile to; and

13 (vii) whether the family members of the juvenile would  
14 feel safe if the juvenile returns to his or her home  
15 environment.

16 This screening tool and its use shall be race and gender  
17 neutral and shall include protections from all forms of bias.  
18 The Division may recommend and adopt updates to the screening  
19 tool and its usage on a regular basis.

20 The Division shall develop standards to implement the  
21 Domestic Violence Surveillance Program established under  
22 Section 5-8A-7 of the Unified Code of Corrections, including  
23 (i) procurement of equipment and other services necessary to  
24 implement the program and (ii) development of uniform standards  
25 for the delivery of the program through county probation  
26 departments, and develop standards for collecting data to

1 evaluate the impact and costs of the Domestic Violence  
2 Surveillance Program.

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

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

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

24 (b) The Chief Judge of each circuit shall appoint the Chief  
25 Probation Officer and all other probation officers for his or  
26 her circuit from lists of qualified applicants supplied by the



1 Supreme Court. Candidates for chief managing officer and other  
2 probation officer positions must apply with both the Chief  
3 Judge of the circuit and the Supreme Court.

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

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

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

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

1           this Act.

2           (c) 100% of the salary for all secure detention  
3           personnel and non-secure group home personnel approved for  
4           reimbursement after December 1, 1990. For all such  
5           positions approved for reimbursement before December 1,  
6           1990, the counties shall be reimbursed \$1,250 per month  
7           beginning July 1, 1995, and an additional \$250 per month  
8           beginning each July 1st thereafter until the positions  
9           receive 100% salary reimbursement. Allocation of such  
10          positions will be based on comparative need considering  
11          capacity, staff/resident ratio, physical plant and  
12          program.

13          (d) \$1,000 per month for salaries for the remaining  
14          probation officer positions engaged in basic services and  
15          new or expanded services. All such positions shall be  
16          approved by the division in accordance with this Act and  
17          division standards.

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

21          (f) If the amount of funds reimbursed to the county  
22          under paragraphs (a) through (e) of subsection 4 of this  
23          Section on an annual basis is less than the amount the  
24          county had received during the 12 month period immediately  
25          prior to the effective date of this amendatory Act of 1985,  
26          then the Division shall reimburse the amount of the

1 difference to the county. The effect of paragraph (b) of  
2 subsection 7 of this Section shall be considered in  
3 implementing this supplemental reimbursement provision.

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

7 (6) A Probation and Court Services Department in order to  
8 be eligible for the reimbursement must submit to the Supreme  
9 Court an application containing such information and in such a  
10 form and by such dates as the Supreme Court may require.  
11 Departments to be eligible for funding must satisfy the  
12 following conditions:

13 (a) The Department shall have on file with the Supreme  
14 Court an annual Probation plan for continuing, improved,  
15 and new Probation and Court Services Programs approved by  
16 the Supreme Court or its designee. This plan shall indicate  
17 the manner in which Probation and Court Services will be  
18 delivered and improved, consistent with the minimum  
19 standards and regulations for Probation and Court  
20 Services, as established by the Supreme Court. In counties  
21 with more than one Probation and Court Services Department  
22 eligible to receive funds, all Departments within that  
23 county must submit plans which are approved by the Supreme  
24 Court.

25 (b) The annual probation plan shall seek to generally  
26 improve the quality of probation services and to reduce the

1 commitment of adult offenders to the Department of  
2 Corrections and to reduce the commitment of juvenile  
3 offenders to the Department of Juvenile Justice and shall  
4 require, when appropriate, coordination with the  
5 Department of Corrections, the Department of Juvenile  
6 Justice, and the Department of Children and Family Services  
7 in the development and use of community resources,  
8 information systems, case review and permanency planning  
9 systems to avoid the duplication of services.

10 (c) The Department shall be in compliance with  
11 standards developed by the Supreme Court for basic, new and  
12 expanded services, training, personnel hiring and  
13 promotion.

14 (d) The Department shall in its annual plan indicate  
15 the manner in which it will support the rights of crime  
16 victims and in which manner it will implement Article I,  
17 Section 8.1 of the Illinois Constitution and in what manner  
18 it will coordinate crime victims' support services with  
19 other criminal justice agencies within its jurisdiction,  
20 including but not limited to, the State's Attorney, the  
21 Sheriff and any municipal police department.

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

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

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

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

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

26           (8) In order to obtain full reimbursement of all approved

1 costs, each Department must continue to employ at least the  
2 same number of probation officers and probation managers as  
3 were authorized for employment for the fiscal year which  
4 includes January 1, 1985. This number shall be designated as  
5 the base amount of the Department. No positions approved by the  
6 Division under paragraph (b) of subsection 4 will be included  
7 in the base amount. In the event that the Department employs  
8 fewer Probation officers and Probation managers than the base  
9 amount for a period of 90 days, funding received by the  
10 Department under subsection 4 of this Section may be reduced on  
11 a monthly basis by the amount of the current salaries of any  
12 positions below the base amount.

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

1 payment to a treasurer of a county which is the most populous  
2 of counties sharing the salary and expenses of a Probation and  
3 Court Services Department, the treasurer shall divide the money  
4 between the counties in a manner that reflects each county's  
5 share of the cost incurred by the Department.

6 (10) The county treasurer must certify that funds received  
7 under this Section shall be used solely to maintain and improve  
8 Probation and Court Services. The county or circuit shall  
9 remain in compliance with all standards, policies and  
10 regulations established by the Supreme Court. If at any time  
11 the Supreme Court determines that a county or circuit is not in  
12 compliance, the Supreme Court shall immediately notify the  
13 Chief Judge, county board chairman and the Director of Court  
14 Services Chief Probation Officer. If after 90 days of written  
15 notice the noncompliance still exists, the Supreme Court shall  
16 be required to reduce the amount of monthly reimbursement by  
17 10%. An additional 10% reduction of monthly reimbursement shall  
18 occur for each consecutive month of noncompliance. Except as  
19 provided in subsection 5 of Section 15, funding to counties  
20 shall commence on April 1, 1986. Funds received under this Act  
21 shall be used to provide for Probation Department expenses  
22 including those required under Section 13 of this Act. The  
23 Mandatory Arbitration Fund may be used to provide for Probation  
24 Department expenses, including those required under Section 13  
25 of this Act.

26 (11) The respective counties shall be responsible for

1 capital and space costs, fringe benefits, clerical costs,  
2 equipment, telecommunications, postage, commodities and  
3 printing.

4 (12) For purposes of this Act only, probation officers  
5 shall be considered peace officers. In the exercise of their  
6 official duties, probation officers, sheriffs, and police  
7 officers may, anywhere within the State, arrest any probationer  
8 who is in violation of any of the conditions of his or her  
9 probation, conditional discharge, or supervision, and it shall  
10 be the duty of the officer making the arrest to take the  
11 probationer before the Court having jurisdiction over the  
12 probationer for further order.

13 (Source: P.A. 95-707, eff. 1-11-08; 95-773, eff. 1-1-09;  
14 96-688, eff. 8-25-09.)

15 Section 99. Effective date. This Act takes effect upon  
16 becoming law.