

# SB3801



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

SB3801

Introduced 2/14/2020, by Sen. Robert F. Martwick

#### 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 reimburse the county or counties for 100% of the salary for all probation officer and supervisor positions approved for reimbursement by the division to meet pretrial services programs and specialty court programs. Provides that for the remaining probation officer positions engaged in basic services and new or expanded services approved for reimbursement before December 1, 2019, the counties shall be reimbursed \$1,500 per month beginning July 1, 2021, and an additional \$500 per month beginning each July 1st thereafter until all such positions receive 100% salary reimbursement.

LRB101 18447 RLC 67895 b

FISCAL NOTE ACT  
MAY APPLY

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, pretrial services programs,  
17 specialty court programs, and other basic services as  
18 defined in this Act.

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

1 positions will be based on comparative need considering  
2 capacity, staff/resident ratio, physical plant and  
3 program.

4 (d) \$1,000 per month for salaries for the remaining  
5 probation officer positions engaged in basic services and  
6 new or expanded services. All such positions shall be  
7 approved by the division in accordance with this Act and  
8 division standards. For all such positions approved for  
9 reimbursement before December 1, 2019, the counties shall  
10 be reimbursed \$1,500 per month beginning July 1, 2021, and  
11 an additional \$500 per month beginning each July 1st  
12 thereafter until all such positions receive 100% salary  
13 reimbursement.

14 (e) (Blank). ~~100% of the travel expenses in accordance~~  
15 ~~with Division standards for all Probation positions~~  
16 ~~approved under paragraph (b) of subsection 4 of this~~  
17 ~~Section.~~

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

1           (5) The Division shall provide funds beginning on April 1,  
2 1987 for the counties to provide Individualized Services and  
3 Programs as provided in Section 16 of this Act.

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

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

22           (b) The annual probation plan shall seek to generally  
23 improve the quality of probation services and to reduce the  
24 commitment of adult offenders to the Department of  
25 Corrections and to reduce the commitment of juvenile  
26 offenders to the Department of Juvenile Justice and shall



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

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

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

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

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

24 (b) The probation officer, in order to be eligible for  
25 State reimbursement, is receiving a salary of at least  
26 \$17,000 per year.

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

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

23          (8) In order to obtain full reimbursement of all approved  
24          costs, each Department must continue to employ at least the  
25          same number of probation officers and probation managers as  
26          were authorized for employment for the fiscal year which

1 includes January 1, 1985. This number shall be designated as  
2 the base amount of the Department. No positions approved by the  
3 Division under paragraph (b) of subsection 4 will be included  
4 in the base amount. In the event that the Department employs  
5 fewer Probation officers and Probation managers than the base  
6 amount for a period of 90 days, funding received by the  
7 Department under subsection 4 of this Section may be reduced on  
8 a monthly basis by the amount of the current salaries of any  
9 positions below the base amount.

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

1 between the counties in a manner that reflects each county's  
2 share of the cost incurred by the Department.

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

23 (11) The respective counties shall be responsible for  
24 capital and space costs, fringe benefits, clerical costs,  
25 equipment, telecommunications, postage, commodities and  
26 printing.

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

10       (Source: P.A. 100-91, eff. 8-11-17.)