



## 102ND GENERAL ASSEMBLY

### State of Illinois

### 2021 and 2022

#### SB2374

Introduced 2/26/2021, by Sen. John Connor

#### 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 July 1, 2023, 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: (1) the initial appearance before a judge; (2) a detention or shelter care hearing; or (3) 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.

LRB102 14153 KMF 19505 b

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) secure  
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 (a-5) For a minor arrested or taken into custody for  
7 vehicular hijacking or aggravated vehicular hijacking, a  
8 previous finding of delinquency for vehicular hijacking or  
9 aggravated vehicular hijacking shall be given greater weight  
10 in determining whether secured custody of a minor is a matter  
11 of immediate and urgent necessity for the protection of the  
12 minor or of the person or property of another.

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

22 (b-4) The consultation required by paragraph (b-5) shall  
23 not be applicable if the probation officer or detention  
24 officer (or other public officer designated by the court in a  
25 county having 3,000,000 or more inhabitants) utilizes a  
26 scorable detention screening instrument, which has been

1 developed with input by the State's Attorney, to determine  
2 whether a minor should be detained, however, paragraph (b-5)  
3 shall still be applicable where no such screening instrument  
4 is used or where the probation officer, detention officer (or  
5 other public officer designated by the court in a county  
6 having 3,000,000 or more inhabitants) deviates from the  
7 screening instrument.

8 On and after July 1, 2023, a detention screening  
9 instrument shall be used for referrals to all authorized  
10 juvenile detention facilities in this State prior to a  
11 judicial hearing. The detention screening instrument shall be  
12 developed and validated by the Probation Division of the  
13 Administrative Office of the Illinois Courts, as provided in  
14 Section 15 of the Probation and Probation Officers Act, and  
15 subject to approval by the Illinois Supreme Court.

16 (b-5) Subject to the provisions of paragraph (b-4), if a  
17 probation officer or detention officer (or other public  
18 officer designated by the court in a county having 3,000,000  
19 or more inhabitants) does not intend to detain a minor for an  
20 offense which constitutes one of the following offenses he or  
21 she shall consult with the State's Attorney's Office prior to  
22 the release of the minor: first degree murder, second degree  
23 murder, involuntary manslaughter, criminal sexual assault,  
24 aggravated criminal sexual assault, aggravated battery with a  
25 firearm as described in Section 12-4.2 or subdivision (e) (1),  
26 (e) (2), (e) (3), or (e) (4) of Section 12-3.05, aggravated or

1 heinous battery involving permanent disability or  
2 disfigurement or great bodily harm, robbery, aggravated  
3 robbery, armed robbery, vehicular hijacking, aggravated  
4 vehicular hijacking, vehicular invasion, arson, aggravated  
5 arson, kidnapping, aggravated kidnapping, home invasion,  
6 burglary, or residential burglary.

7 (c) Except as otherwise provided in paragraph (a), (d), or  
8 (e), no minor shall be detained in a county jail or municipal  
9 lockup for more than 12 hours, unless the offense is a crime of  
10 violence in which case the minor may be detained up to 24  
11 hours. For the purpose of this paragraph, "crime of violence"  
12 has the meaning ascribed to it in Section 1-10 of the  
13 Alcoholism and Other Drug Abuse and Dependency Act.

14 (i) The period of detention is deemed to have begun  
15 once the minor has been placed in a locked room or cell or  
16 handcuffed to a stationary object in a building housing a  
17 county jail or municipal lockup. Time spent transporting a  
18 minor is not considered to be time in detention or secure  
19 custody.

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

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

1 (iv) A log shall be kept which shows the offense which  
2 is the basis for the detention, the reasons and  
3 circumstances for the decision to detain, and the length  
4 of time the minor was in detention.

5 (v) Violation of the time limit on detention in a  
6 county jail or municipal lockup shall not, in and of  
7 itself, render inadmissible evidence obtained as a result  
8 of the violation of this time limit. Minors under 18 years  
9 of age shall be kept separate from confined adults and may  
10 not at any time be kept in the same cell, room, or yard  
11 with adults confined pursuant to criminal law. Persons 18  
12 years of age and older who have a petition of delinquency  
13 filed against them may be confined in an adult detention  
14 facility. In making a determination whether to confine a  
15 person 18 years of age or older who has a petition of  
16 delinquency filed against the person, these factors, among  
17 other matters, shall be considered:

18 (A) the age of the person;

19 (B) any previous delinquent or criminal history of  
20 the person;

21 (C) any previous abuse or neglect history of the  
22 person; and

23 (D) any mental health or educational history of  
24 the person, or both.

25 (d) (i) If a minor 12 years of age or older is confined in  
26 a county jail in a county with a population below 3,000,000

1 inhabitants, then the minor's confinement shall be implemented  
2 in such a manner that there will be no contact by sight, sound,  
3 or otherwise between the minor and adult prisoners. Minors 12  
4 years of age or older must be kept separate from confined  
5 adults and may not at any time be kept in the same cell, room,  
6 or yard with confined adults. This paragraph (d)(i) shall only  
7 apply to confinement pending an adjudicatory hearing and shall  
8 not exceed 40 hours, excluding Saturdays, Sundays, and  
9 court-designated holidays. To accept or hold minors during  
10 this time period, county jails shall comply with all  
11 monitoring standards adopted by the Department of Corrections  
12 and training standards approved by the Illinois Law  
13 Enforcement Training Standards Board.

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

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

1           (e) When a minor who is at least 15 years of age is  
2 prosecuted under the criminal laws of this State, the court  
3 may enter an order directing that the juvenile be confined in  
4 the county jail. However, any juvenile confined in the county  
5 jail under this provision shall be separated from adults who  
6 are confined in the county jail in such a manner that there  
7 will be no contact by sight, sound or otherwise between the  
8 juvenile and adult prisoners.

9           (f) For purposes of appearing in a physical lineup, the  
10 minor may be taken to a county jail or municipal lockup under  
11 the direct and constant supervision of a juvenile police  
12 officer. During such time as is necessary to conduct a lineup,  
13 and while supervised by a juvenile police officer, the sight  
14 and sound separation provisions shall not apply.

15           (g) For purposes of processing a minor, the minor may be  
16 taken to a county jail or municipal lockup under the direct and  
17 constant supervision of a law enforcement officer or  
18 correctional officer. During such time as is necessary to  
19 process the minor, and while supervised by a law enforcement  
20 officer or correctional officer, the sight and sound  
21 separation provisions shall not apply.

22           (3) If the probation officer or State's Attorney (or such  
23 other public officer designated by the court in a county  
24 having 3,000,000 or more inhabitants) determines that the  
25 minor may be a delinquent minor as described in subsection (3)  
26 of Section 5-105, and should be retained in custody but does



1 not require physical restriction, the minor may be placed in  
2 non-secure custody for up to 40 hours pending a detention  
3 hearing.

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

8 (5) The changes made to this Section by Public Act 98-61  
9 apply to a minor who has been arrested or taken into custody on  
10 or after January 1, 2014 (the effective date of Public Act  
11 98-61).

12 (Source: P.A. 100-745, eff. 8-10-18; 101-81, eff. 7-12-19.)

13 (705 ILCS 405/5-415)

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

16 (1) Unless sooner released, a minor alleged to be a  
17 delinquent minor taken into temporary custody must be brought  
18 before a judicial officer within 48 ~~40~~ hours for a detention or  
19 shelter care hearing to determine whether he or she shall be  
20 further held in custody. If a minor alleged to be a delinquent  
21 minor taken into custody is hospitalized or is receiving  
22 treatment for a physical or mental condition, and is unable to  
23 be brought before a judicial officer for a detention or  
24 shelter care hearing, the 48 ~~40~~ hour period will not commence  
25 until the minor is released from the hospital or place of

1 treatment. If the minor gives false information to law  
2 enforcement officials regarding the minor's identity or age,  
3 the 48 ~~40~~ hour period will not commence until the court rules  
4 that the minor is subject to this Act and not subject to  
5 prosecution under the Criminal Code of 1961 or the Criminal  
6 Code of 2012. Any other delay attributable to a minor alleged  
7 to be a delinquent minor who is taken into temporary custody  
8 shall act to toll the 48 ~~40~~ hour time period. The 48 ~~40~~ hour  
9 time period shall be tolled to allow counsel for the minor to  
10 prepare for the detention or shelter care hearing, upon a  
11 motion filed by such counsel and granted by the court. In all  
12 cases, the 48 ~~40~~ hour time period includes any Saturday,  
13 Sunday, or court-designated holiday within the period ~~is~~  
14 ~~exclusive of Saturdays, Sundays and court-designated holidays.~~

15 (2) If the State's Attorney or probation officer (or other  
16 public officer designated by the court in a county having more  
17 than 3,000,000 inhabitants) determines that the minor should  
18 be retained in custody, he or she shall cause a petition to be  
19 filed as provided in Section 5-520 of this Article, and the  
20 clerk of the court shall set the matter for hearing on the  
21 detention or shelter care hearing calendar. Immediately upon  
22 the filing of a petition in the case of a minor retained in  
23 custody, the court shall cause counsel to be appointed to  
24 represent the minor. When a parent, legal guardian, custodian,  
25 or responsible relative is present and so requests, the  
26 detention or shelter care hearing shall be held immediately if

1 the court is in session and the State is ready to proceed,  
2 otherwise at the earliest feasible time. In no event shall a  
3 detention or shelter care hearing be held until the minor has  
4 had adequate opportunity to consult with counsel. The  
5 probation officer or such other public officer designated by  
6 the court in a county having more than 3,000,000 inhabitants  
7 shall notify the minor's parent, legal guardian, custodian, or  
8 responsible relative of the time and place of the hearing. The  
9 notice may be given orally.

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

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

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

1 (705 ILCS 405/5-420 new)

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

4 (a) If an appearance under this Act is required of any  
5 minor taken and held in a place of custody or confinement  
6 operated by the State or any of its political subdivisions,  
7 including counties and municipalities, the chief judge of the  
8 circuit may permit by rule for the minor's personal appearance  
9 to be made by means of two-way audio-visual communication,  
10 including closed circuit television and computerized video  
11 conference, in the following proceedings:

12 (1) the initial appearance before a judge;

13 (2) a detention or shelter care hearing; or

14 (3) any status hearing.

15 (b) The two-way audio-visual communication facilities must  
16 provide two-way audio-visual communication between the court  
17 and the place of custody or confinement and must include a  
18 secure line over which the minor in custody and his or her  
19 counsel may communicate.

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

24 (d) Nothing in this Section shall be construed to  
25 establish a right of any minor held in custody or confinement

1 to appear in court through two-way audio-visual communication  
2 or to require that any governmental entity, or place of  
3 custody or confinement, provide two-way audio-visual  
4 communication.

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

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

8 Sec. 15. (1) The Supreme Court of Illinois may establish a  
9 Division of Probation Services whose purpose shall be the  
10 development, establishment, promulgation, and enforcement of  
11 uniform standards for probation services in this State, and to  
12 otherwise carry out the intent of this Act. The Division may:

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

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

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

23 (d) develop standards and approve employee  
24 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  
14 their 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  
2 rate of adult or juvenile offenders committed to the  
3 Department 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 adopt a statewide juvenile detention  
8 screening instrument that has been verified through  
9 evidence-based and data-based practices that is to be used by  
10 all authorized juvenile detention facilities. The scoring for  
11 this screening tool may include, but is not limited to, the  
12 following determinations or factors:

13 (i) the likelihood that the juvenile will appear in  
14 court;

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

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

18 (iv) the number of prior interactions the juvenile has  
19 with the juvenile justice system;

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

22 (vi) whether there is a safe environment to return the  
23 juvenile to; and

24 (vii) whether the family members of the juvenile would  
25 feel safe if the juvenile returns to his or her home  
26 environment.

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

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

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

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

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

25      (2)(a) The chief judge of each circuit shall provide  
26      full-time probation services for all counties within the



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

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

18 (3) A Probation and Court Service Department shall apply  
19 to the Supreme Court for funds for basic services, and may  
20 apply for funds for new and expanded programs or  
21 Individualized Services and Programs. Costs shall be  
22 reimbursed monthly based on a plan and budget approved by the  
23 Supreme Court. No Department may be reimbursed for costs which  
24 exceed or are not provided for in the approved annual plan and  
25 budget. After the effective date of this amendatory Act of  
26 1985, each county must provide basic services in accordance

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

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

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

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

17 (c) 100% of the salary for all secure detention  
18 personnel and non-secure group home personnel approved for  
19 reimbursement after December 1, 1990. For all such  
20 positions approved for reimbursement before December 1,  
21 1990, the counties shall be reimbursed \$1,250 per month  
22 beginning July 1, 1995, and an additional \$250 per month  
23 beginning each July 1st thereafter until the positions  
24 receive 100% salary reimbursement. Allocation of such  
25 positions will be based on comparative need considering  
26 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 immediately  
14 prior to the effective date of this amendatory Act of  
15 1985, then the Division shall reimburse the amount of the  
16 difference to the county. The effect of paragraph (b) of  
17 subsection 7 of this Section shall be considered in  
18 implementing this supplemental reimbursement provision.

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

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

1 following conditions:

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

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

25 (c) The Department shall be in compliance with  
26 standards developed by the Supreme Court for basic, new

1 and expanded services, training, personnel hiring and  
2 promotion.

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

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

14 (a) The probation officer is a full-time employee  
15 appointed by the Chief Judge to provide probation  
16 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  
26 to 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  
12 be placed on the compensation schedule according to job  
13 duties and responsibilities of such position. The policy  
14 and 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  
22 the Division under paragraph (b) of subsection 4 will be  
23 included in the base amount. In the event that the Department  
24 employs fewer Probation officers and Probation managers than  
25 the base amount for a period of 90 days, funding received by  
26 the Department under subsection 4 of this Section may be

1 reduced on a monthly basis by the amount of the current  
2 salaries of any 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  
10 may 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  
13 Programs. The Supreme Court or its designee shall verify  
14 compliance with this Section and shall examine and audit the  
15 monthly statement and, upon finding them to be correct, shall  
16 forward them to the Comptroller for payment to the county  
17 treasurer. In the case of payment to a treasurer of a county  
18 which is the most populous of counties sharing the salary and  
19 expenses of a Probation and Court Services Department, the  
20 treasurer shall divide the money between the counties in a  
21 manner that reflects each county's share of the cost incurred  
22 by the Department.

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

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

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

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



1 it shall be the duty of the officer making the arrest to take  
2 the probationer before the Court having jurisdiction over the  
3 probationer for further order.

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