

# SB2377



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

SB2377

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

#### 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 of the total Statewide number as of July 1, 2021, beginning on July 1, 2022, 20 percent of that number shall be transferred to those requiring 100% salary reimbursement. Each subsequent July 1st, another 20 percent of the July 1, 2021 population shall also be transferred under described circumstances.

LRB102 14147 KMF 19499 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  
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 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  
12 standards for the delivery of the program through county  
13 probation departments, and develop standards for collecting  
14 data to 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  
4 plan, the standards, policies, and regulations established by  
5 the Supreme Court. A probation district of two or more  
6 counties within a circuit may be created for the purposes of  
7 providing full-time probation services. Every county or group  
8 of counties within a circuit shall maintain a probation  
9 department which shall be under the authority of the Chief  
10 Judge of the circuit or some other judge designated by the  
11 Chief Judge. The Chief Judge, through the Probation and Court  
12 Services Department shall submit annual plans to the Division  
13 for probation and related services.

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

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

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

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

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

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

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

1 receive 100% salary reimbursement. Allocation of such  
2 positions will be based on comparative need considering  
3 capacity, staff/resident ratio, physical plant and  
4 program.

5 (d) \$1,000 per month for salaries for the remaining  
6 probation officer positions engaged in basic services and  
7 new or expanded services. All such positions shall be  
8 approved by the division in accordance with this Act and  
9 division standards. For all such positions approved for  
10 reimbursement under this paragraph (d), of the total  
11 Statewide number as of July 1, 2021, beginning on July 1,  
12 2022, 20 percent of that number shall be transferred to  
13 paragraph (b) above requiring 100% salary reimbursement.  
14 Each subsequent July 1st, another 20 percent of the July  
15 1,2021 population shall be transferred to paragraph (b)  
16 above until there are no positions left under this  
17 paragraph (d).

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

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

1           1985, then the Division shall reimburse the amount of the  
2           difference to the county. The effect of paragraph (b) of  
3           subsection 7 of this Section shall be considered in  
4           implementing this supplemental reimbursement provision.

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

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

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

26                 (b) The annual probation plan shall seek to generally



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

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

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

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

26 (a) The probation officer is a full-time employee

1 appointed by the Chief Judge to provide probation  
2 services.

3 (b) The probation officer, in order to be eligible for  
4 State reimbursement, is receiving a salary of at least  
5 \$17,000 per year.

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

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

1 available to each employee.

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

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

1 monthly statement and, upon finding them to be correct, shall  
2 forward them to the Comptroller for payment to the county  
3 treasurer. In the case of payment to a treasurer of a county  
4 which is the most populous of counties sharing the salary and  
5 expenses of a Probation and Court Services Department, the  
6 treasurer shall divide the money between the counties in a  
7 manner that reflects each county's share of the cost incurred  
8 by the Department.

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

1 Probation Department expenses, including those required under  
2 Section 13 of this Act.

3 (11) The respective counties shall be responsible for  
4 capital and space costs, fringe benefits, clerical costs,  
5 equipment, telecommunications, postage, commodities and  
6 printing.

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

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