



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4621

Introduced 1/31/2024, by Rep. Justin Slaughter

SYNOPSIS AS INTRODUCED:

See Index

Amends the Pretrial Services Act. Establishes in the judicial branch of State government an office to be known as the Office of Statewide Pretrial Services. Provides that the office shall be under the supervision and direction of a Director who shall be appointed by a vote of a majority of the Illinois Supreme Court Justices for a 4-year term and until a successor is appointed and qualified. Provides that the Director shall adopt rules, instructions, and orders, consistent with the Act, further defining the organization of this office and the duties of its employees. Provides that the Illinois Supreme Court shall approve or modify an operational budget submitted to it by the Office of Statewide Pretrial Services and set the number of employees each year. Provides that the Chief Judge of each circuit court shall elect to receive pretrial services either through the Office or through a local pretrial services agency (rather than each circuit shall establish a pretrial service agency). Provides that the pretrial services agency has a duty to provide the court with accurate background data regarding the pretrial release of persons charged with felonies and effective supervision of compliance with the terms and conditions imposed on release. Effective immediately.

LRB103 36415 RLC 66517 b

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 Pretrial Services Act is amended by
5 changing Sections 1, 2, 3, 4, 5, 8, 9, 10, 12, 13, 14, 15, 22,
6 24, 30, and 33 and by adding Sections 0.02, 0.03, and 0.04 as
7 follows:

8 (725 ILCS 185/0.02 new)

9 Sec. 0.02. Definitions. In this Act:

10 "Director" means the Director of the Office of Statewide
11 Pretrial Services.

12 "Local pretrial services " means a pretrial services other
13 than the Office who is providing pretrial services.

14 "Pretrial services " means any providing services to the
15 circuit court as provided for in this Act, including the
16 Office.

17 "Office" means the Office of Statewide Pretrial Services.

18 (725 ILCS 185/0.03 new)

19 Sec. 0.03. Office of Statewide Pretrial Services;
20 establishment. There is established in the judicial branch of
21 State government an office to be known as the Office of
22 Statewide Pretrial Services. This office shall be under the

1 supervision and direction of a Director who shall be appointed
2 by a vote of a majority of the Illinois Supreme Court Justices
3 for a 4-year term and until a successor is appointed and
4 qualified. The Director shall adopt rules, instructions, and
5 orders, consistent with this Act, further defining the
6 organization of this office and the duties of its employees.
7 The Illinois Supreme Court shall approve or modify an
8 operational budget submitted to it by the Office of Statewide
9 Pretrial Services and set the number of employees each year.

10 (725 ILCS 185/0.04 new)

11 Sec. 0.04. Powers and duties.

12 (a) The Office shall provide pretrial services as provided
13 in Section 7 to circuit courts or counties without existing
14 pretrial services agencies.

15 (b) The Office shall develop, establish, adopt, and
16 enforce uniform standards for pretrial services in this State.

17 (c) The Office may:

18 (1) hire and train State employed pretrial personnel;

19 (2) establish qualifications for pretrial officers as
20 to hiring, promotion, and training;

21 (3) establish a system of training and orientation for
22 local pretrial services agencies;

23 (4) Develop standards and approve employee
24 compensation schedules for local pretrial services
25 agencies;

- 1 (5) establish a system of uniform forms;
2 (6) develop standards for a system of recordkeeping
3 for local pretrial services agencies;
4 (7) gather statistics and develop research for
5 planning of pretrial services in Illinois;
6 (8) establish a means of verifying the conditions for
7 reimbursement under this Act for local pretrial services
8 agencies and develop criteria for approved costs for
9 reimbursement;
10 (9) monitor and evaluate all pretrial programs
11 operated by local pretrial services agencies;
12 (10) review and approve annual plans submitted by
13 local pretrial services agencies; and
14 (11) establish such other standards and regulations
15 and do all acts necessary to carry out the intent and
16 purposes of this Act.

17 (725 ILCS 185/1) (from Ch. 38, par. 301)

18 Sec. 1. The Chief Judge of each ~~Each~~ circuit court shall
19 elect to receive pretrial services either through the Office
20 or through a local pretrial services agency. The pretrial
21 services agency has a duty ~~establish a pretrial services~~
22 ~~agency~~ to provide the court with accurate background data
23 regarding the pretrial release of persons charged with
24 felonies and effective supervision of compliance with the
25 terms and conditions imposed on release.

1 (Source: P.A. 84-1449.)

2 (725 ILCS 185/2) (from Ch. 38, par. 302)

3 Sec. 2. Local pretrial ~~Pretrial~~ services agencies may be
4 independent divisions of the circuit courts accountable to the
5 chief judge or his designee for program activities. The
6 agencies shall be supervised by a program director appointed
7 by the chief judge and removable for cause. The chief judge or
8 his designee shall have the authority to hire, terminate or
9 discipline local pretrial services ~~agency~~ personnel on
10 recommendation of the program director.

11 (Source: P.A. 84-1449.)

12 (725 ILCS 185/3) (from Ch. 38, par. 303)

13 Sec. 3. Pretrial services shall be provided by the Office
14 ~~The functions of the pretrial services agency shall be~~
15 ~~assigned to the Department of Probation and Court Services or~~
16 ~~other arm of the court~~ where the volume of criminal
17 proceedings does not justify the establishment of a local
18 pretrial services agency ~~separate division~~.

19 (Source: P.A. 84-1449.)

20 (725 ILCS 185/4) (from Ch. 38, par. 304)

21 Sec. 4. All local pretrial services agency personnel shall
22 be full-time employees supervised by the director and, except
23 for secretarial staff, subject to the hiring and training

1 requirements established by the Office ~~Supreme Court~~ as
2 ~~provided in "An Act providing for a system of probation, for~~
3 ~~the appointment and compensation of probation officers, and~~
4 ~~authorizing the suspension of final judgment and the~~
5 ~~imposition of sentence upon persons found guilty of certain~~
6 ~~defined crimes and offenses, and legalizing their ultimate~~
7 ~~discharge without punishment", approved June 10, 1911, as~~
8 amended.

9 (Source: P.A. 84-1449.)

10 (725 ILCS 185/5) (from Ch. 38, par. 305)

11 Sec. 5. The compensation for local pretrial services
12 agency personnel shall be commensurate with salaries and other
13 benefits accorded probation department employees.

14 (Source: P.A. 84-1449.)

15 (725 ILCS 185/8) (from Ch. 38, par. 308)

16 Sec. 8. In addition to the foregoing, local pretrial
17 services agencies may with the approval of the chief judge
18 provide one or more of the following services to the circuit
19 court:

20 (a) Supervise compliance with the terms and conditions
21 imposed by the courts for appeal bonds; and

22 (b) Assist in such other pretrial services activities as
23 may be delegated to the agency by the court.

24 (Source: P.A. 84-1449.)

1 (725 ILCS 185/9) (from Ch. 38, par. 309)

2 Sec. 9. Pretrial services agencies shall have standing
3 court authority to interview and process all persons charged
4 with non-capital felonies either before or after first
5 appearance if the person is in custody. The chief judge and
6 program director of the pretrial services agency may establish
7 interviewing priorities where resources do not permit total
8 coverage, but no other criteria shall be employed to exclude
9 categories of offenses or offenders from program operations.

10 (Source: P.A. 84-1449.)

11 (725 ILCS 185/10) (from Ch. 38, par. 310)

12 Sec. 10. The chief judge and program director of the local
13 pretrial services agency shall continuously assess the
14 benefits of agency intervention before or after the first
15 appearance of accused persons. In determining the best
16 allocation of available resources, consideration shall be
17 given to current release practices of first appearance judges
18 in misdemeanor and lesser felony cases; the logistics of
19 pre-first appearance intervention where decentralized
20 detention facilities are utilized; the availability of
21 verification resources for pre-first appearance intervention;
22 and the ultimate goal of prompt and informed determinations of
23 pretrial release conditions.

24 (Source: P.A. 84-1449.)

1 (725 ILCS 185/12) (from Ch. 38, par. 312)

2 Sec. 12. Interviews shall be individually conducted by
3 agency personnel in facilities or locations which assure an
4 adequate opportunity for discussion, consistent with security
5 needs.

6 The chief judge or his designee shall maintain a
7 continuous liaison between the pretrial services agency
8 ~~director~~ and the sheriff, or other affected law enforcement
9 agencies, to assure that pretrial services interviewers have
10 prompt access consistent with security and law enforcement
11 needs to all prisoners after booking.

12 (Source: P.A. 84-1449.)

13 (725 ILCS 185/13) (from Ch. 38, par. 313)

14 Sec. 13. Information received from the arrested person as
15 a result of the agency interview shall be recorded on uniform
16 interview forms created by the Office.

17 (Source: P.A. 84-1449.)

18 (725 ILCS 185/14) (from Ch. 38, par. 314)

19 Sec. 14. The pretrial services agency shall, after
20 interviewing arrestees, immediately verify and supplement the
21 information required by the uniform interview form before
22 submitting its report to the court. Minimum verification shall
23 include the interviewee's prior criminal record, residency,

1 and employment circumstances. The chief judge or his designee
2 shall assist the pretrial services agency ~~program director~~ in
3 establishing and maintaining cooperation with the circuit
4 clerk and law enforcement information systems to assure the
5 prompt verification of prior criminal records.

6 (Source: P.A. 84-1449.)

7 (725 ILCS 185/15) (from Ch. 38, par. 315)

8 Sec. 15. Verified and supplemental information assembled
9 by the pretrial services agency shall be recorded on a uniform
10 reporting form established by the Office ~~Supreme Court~~.

11 (Source: P.A. 84-1449.)

12 (725 ILCS 185/22) (from Ch. 38, par. 322)

13 Sec. 22. If so ordered by the court, the pretrial services
14 agency shall prepare and submit for the court's approval and
15 signature a uniform release order on the uniform form
16 established by the Office ~~Supreme Court~~ in all cases where an
17 interviewee may be released from custody under conditions
18 contained in an agency report. Such conditions shall become
19 part of the conditions of pretrial release. A copy of the
20 uniform release order shall be provided to the defendant and
21 defendant's attorney of record, and the prosecutor.

22 (Source: P.A. 101-652, eff. 1-1-23.)

23 (725 ILCS 185/24) (from Ch. 38, par. 324)

1 Sec. 24. Where functions of the local pretrial services
2 agency have been delegated to a probation department or other
3 arm of the court ~~under Section 3~~, their records shall be
4 segregated from other records. Two years after the date of the
5 first interview with a pretrial services agency
6 representative, the defendant may apply to the chief circuit
7 judge, or a judge designated by the chief circuit judge for
8 these purposes, for an order expunging from the records of the
9 pretrial services agency all files pertaining to the
10 defendant.

11 (Source: P.A. 84-1449.)

12 (725 ILCS 185/30) (from Ch. 38, par. 330)

13 Sec. 30. Records and statistics shall be maintained by
14 local pretrial services agencies of their operations and
15 effect upon the criminal justice system, with monthly reports
16 submitted to the circuit court and the Office ~~Supreme Court~~ on
17 a uniform statistical form developed by the Supreme Court.

18 (Source: P.A. 84-1449.)

19 (725 ILCS 185/33) (from Ch. 38, par. 333)

20 Sec. 33. The Office ~~Supreme Court~~ shall pay from funds
21 appropriated to it for this purpose 100% of all approved costs
22 for pretrial services, including pretrial services officers,
23 necessary support personnel, travel costs reasonably related
24 to the delivery of pretrial services, space costs, equipment,

1 telecommunications, postage, commodities, printing and
2 contractual services. Costs shall be reimbursed monthly, based
3 on an annual ~~a~~ plan and budget approved by the Office Supreme
4 ~~Court~~. No department may be reimbursed for costs which exceed
5 or are not provided for in the approved annual plan and budget.
6 The Mandatory Arbitration Fund may be used to reimburse
7 approved costs for pretrial services.

8 (Source: P.A. 94-91, eff. 7-1-05; 94-839, eff. 6-6-06; 95-331,
9 eff. 8-21-07; 95-707, eff. 1-11-08.)

10 (725 ILCS 185/1.5 rep.)

11 (725 ILCS 185/6 rep.)

12 Section 10. The Pretrial Services Act is amended by
13 repealing Sections 1.5 and 6.

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

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