



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1923

Introduced 2/9/2023, by Sen. Michael W. Halpin

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, 2024, 20% of that number shall be transferred to those requiring 100% salary reimbursement. Each subsequent July 1, another 20% of the July 1, 2021 population shall also be transferred under described circumstances.

LRB103 06067 RLC 51097 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 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 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 2024, 20% of that number shall be transferred to paragraph
13 (b), requiring 100% salary reimbursement. Each subsequent
14 July 1, another 20% of the July 1, 2021 population shall be
15 transferred to paragraph (b) until there are no positions
16 left under this paragraph (d).

17 (e) (Blank). ~~100% of the travel expenses in accordance~~
18 ~~with Division standards for all Probation positions~~
19 ~~approved under paragraph (b) of subsection 4 of this~~
20 ~~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
26 1985, 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
17 indicate the manner in which Probation and Court Services
18 will be delivered and improved, consistent with the
19 minimum 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

1 the 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
7 Services in the development and use of community
8 resources, information systems, case review and permanency
9 planning 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
12 and 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
18 manner it will coordinate crime victims' support services
19 with other criminal justice agencies within its
20 jurisdiction, including but not limited to, the State's
21 Attorney, the 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
24 the 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 or a part-time employee who serves as a detention officer.

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

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. 102-699, eff. 4-19-22.)