

1 AN ACT in relation to counties.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 5. The Counties Code is amended by changing  
5 Section 4-2001 as follows:

6 (55 ILCS 5/4-2001) (from Ch. 34, par. 4-2001)  
7 Sec. 4-2001. State's attorney salaries.

8 (a) There shall be allowed to the several state's  
9 attorneys in this State, except the state's attorney of Cook  
10 County, the following annual salary:

11 (1) Subject to paragraph (5), to each state's  
12 attorney in counties containing less than 10,000  
13 inhabitants, \$40,500 until December 31, 1988, \$45,500  
14 until June 30, 1994, and \$55,500 thereafter or as set by  
15 the Compensation Review Board, whichever is greater.

16 (2) Subject to paragraph (5), to each state's  
17 attorney in counties containing 10,000 or more  
18 inhabitants but less than 20,000 inhabitants, \$46,500  
19 until December 31, 1988, \$61,500 until June 30, 1994, and  
20 \$71,500 thereafter or as set by the Compensation Review  
21 Board, whichever is greater.

22 (3) Subject to paragraph (5), to each state's  
23 attorney in counties containing 20,000 or more but less  
24 than 30,000 inhabitants, \$51,000 until December 31, 1988,  
25 \$65,000 until June 30, 1994, and \$75,000 thereafter or as  
26 set by the Compensation Review Board, whichever is  
27 greater.

28 (4) To each state's attorney in counties of 30,000  
29 or more inhabitants, \$65,500 until December 31, 1988,  
30 \$80,000 until June 30, 1994, and \$96,837 thereafter or as  
31 set by the Compensation Review Board, whichever is

1 greater.

2 (5) Effective December 1, 2000, to each state's  
3 attorney in counties containing fewer than 30,000  
4 inhabitants, the same salary plus any cost of living  
5 adjustments as authorized by the Compensation Review  
6 Board to take effect after January 1, 1999, for state's  
7 attorneys in counties containing 20,000 or more but fewer  
8 than 30,000 inhabitants, or as set by the Compensation  
9 Review Board whichever is greater.

10 The State must ~~shall~~ furnish 66 2/3% of the total annual  
11 compensation to be paid to each state's attorney in Illinois  
12 based on the salary in effect on December 31, 1988, and 100%  
13 of the increases in salary taking effect after December 31,  
14 1988.

15 Said amounts furnished by the State shall be payable  
16 monthly from the state treasury to the county in which each  
17 state's attorney is elected.

18 Each county shall be required to furnish 33 1/3% of the  
19 total annual compensation to be paid to each state's attorney  
20 in Illinois based on the salary in effect on December 31,  
21 1988.

22 (b) Effective December 1, 2000, no state's attorney may  
23 engage in the private practice of law. However, until  
24 November 30, 2000, (i) the state's attorneys in counties  
25 containing fewer than 10,000 inhabitants may engage in the  
26 practice of law, and (ii) in any county between 10,000 and  
27 30,000 inhabitants or in any county containing 30,000 or more  
28 inhabitants which reached that population between 1970 and  
29 December 31, 1981, the state's attorney may declare his or  
30 her intention to engage in the private practice of law, and  
31 may do so through no later than November 30, 2000, by filing  
32 a written declaration of intent to engage in the private  
33 practice of law with the county clerk. The declaration of  
34 intention shall be irrevocable during the remainder of the

1 term of office. The declaration shall be filed with the  
2 county clerk within 30 days of certification of election or  
3 appointment, or within 60 days of March 15, 1989, whichever  
4 is later. In that event the annual salary of such state's  
5 attorney shall be as follows:

6 (1) In counties containing 10,000 or more  
7 inhabitants but less than 20,000 inhabitants, \$46,500  
8 until December 31, 1988, \$51,500 until June 30, 1994, and  
9 \$61,500 thereafter or as set by the Compensation Review  
10 Board, whichever is greater. The State shall furnish 100%  
11 of the increases taking effect after December 31, 1988.

12 (2) In counties containing 20,000 or more  
13 inhabitants but less than 30,000 inhabitants, and in  
14 counties containing 30,000 or more inhabitants which  
15 reached said population between 1970 and December 31,  
16 1981, \$51,500 until December 31, 1988, \$56,000 until June  
17 30, 1994, and \$65,000 thereafter or as set by the  
18 Compensation Review Board, whichever is greater. The  
19 State shall furnish 100% of the increases taking effect  
20 after December 31, 1988.

21 (c) In counties where a state mental health institution,  
22 as hereinafter defined, is located, one assistant state's  
23 attorney shall receive for his services, payable monthly from  
24 the state treasury to the county in which he is appointed,  
25 the following:

26 (1) To each assistant state's attorney in counties  
27 containing less than 10,000 inhabitants, the sum of  
28 \$2,500 per annum;

29 (2) To each assistant state's attorney in counties  
30 containing not less than 10,000 inhabitants and not more  
31 than 20,000 inhabitants, the sum of \$3,500 per annum;

32 (3) To each assistant state's attorney in counties  
33 containing not less than 20,000 inhabitants and not more  
34 than 30,000 inhabitants, the sum of \$4,000 per annum;

1           (4) To each assistant state's attorney in counties  
2 containing not less than 30,000 inhabitants and not more  
3 than 40,000 inhabitants, the sum of \$4,500 per annum;

4           (5) To each assistant state's attorney in counties  
5 containing not less than 40,000 inhabitants and not more  
6 than 70,000 inhabitants, the sum of \$5,000 per annum;

7           (6) To each assistant state's attorney in counties  
8 containing not less than 70,000 inhabitants and not more  
9 than 1,000,000 inhabitants, the sum of \$6,000 per annum.

10          (d) The population of all counties for the purpose of  
11 fixing salaries as herein provided shall be based upon the  
12 last Federal census immediately previous to the appointment  
13 of an assistant state's attorney in each county.

14          (e) At the request of the county governing authority, in  
15 counties where one or more state correctional institutions,  
16 as hereinafter defined, are located, one or more assistant  
17 state's attorneys shall receive for their services, provided  
18 that such services are performed in connection with the state  
19 correctional institution, payable monthly from the state  
20 treasury to the county in which they are appointed, the  
21 following:

22           (1) \$22,000 for each assistant state's attorney in  
23 counties with one or more State correctional institutions  
24 with a total average daily inmate population in excess of  
25 2,000, on the basis of 2 assistant state's attorneys when  
26 the total average daily inmate population exceeds 2,000  
27 but is less than 4,000; and 3 assistant state's attorneys  
28 when such population exceeds 4,000; with reimbursement to  
29 be based on actual services rendered.

30           (2) \$15,000 per year for one assistant state's  
31 attorney in counties having one or more correctional  
32 institutions with a total average daily inmate population  
33 of between 750 and 2,000 inmates, with reimbursement to  
34 be based on actual services rendered.

1           (3) A maximum of \$12,000 per year for one assistant  
2 state's attorney in counties having less than 750  
3 inmates, with reimbursement to be based on actual  
4 services rendered.

5           Upon application of the county governing authority  
6 and certification of the State's Attorney, the Director  
7 of Corrections may, in his discretion and subject to  
8 appropriation, increase the amount of salary  
9 reimbursement to a county in the event special  
10 circumstances require the county to incur extraordinary  
11 salary expenditures as a result of services performed in  
12 connection with State correctional institutions in that  
13 county.

14           In determining whether or not to increase the amount of  
15 salary reimbursement, the Director must ~~shall~~ consider, among  
16 other matters:

- 17           (1) the nature of the services rendered;  
18           (2) the results or dispositions obtained;  
19           (3) whether or not the county was required to  
20 employ additional attorney personnel as a direct result  
21 of the services actually rendered in connection with a  
22 particular service to a State correctional institution.

23           (f) In counties where a State senior institution of  
24 higher education is located, the assistant state's attorneys  
25 specified by this Section shall receive for their services,  
26 payable monthly from the State treasury to the county in  
27 which appointed, the following:

- 28           (1) \$14,000 per year each for employment on a full  
29 time basis for 2 assistant state's attorneys in counties  
30 having a State university or State universities with  
31 combined full time enrollment of more than 15,000  
32 students.

- 33           (2) \$7,200 per year for one assistant state's  
34 attorney with no limitation on other practice in counties

1 having a State university or State universities with  
2 combined full time enrollment of 10,000 to 15,000  
3 students.

4 (3) \$4,000 per year for one assistant state's  
5 attorney with no limitation on other practice in counties  
6 having a State university or State universities with  
7 combined full time enrollment of less than 10,000  
8 students.

9 Such salaries shall be paid to the state's attorney and  
10 the assistant state's attorney in equal monthly installments  
11 by such county out of the county treasury provided that the  
12 State of Illinois shall reimburse each county monthly from  
13 the state treasury the amount of such salary. This Section  
14 shall not prevent the payment of such additional compensation  
15 to the state's attorney or assistant state's attorney of any  
16 county, out of the treasury of that county as may be provided  
17 by law.

18 (g) For purposes of this Section, "State mental health  
19 institution" means any institution under the jurisdiction of  
20 the Department of Human Services that is listed in Section 4  
21 of the Mental Health and Developmental Disabilities  
22 Administrative Act.

23 For purposes of this Section, "State correctional  
24 institution" means any facility of the Department of  
25 Corrections including adult facilities, juvenile facilities,  
26 pre-release centers, community correction centers, and work  
27 camps.

28 For purposes of this Section, "State university" means  
29 the University of Illinois, Southern Illinois University,  
30 Chicago State University, Eastern Illinois University,  
31 Governors State University, Illinois State University,  
32 Northeastern Illinois University, Northern Illinois  
33 University, Western Illinois University, and any public  
34 community college which has established a program of

1 interinstitutional cooperation with one of the foregoing  
2 institutions whereby a student, after earning an associate  
3 degree from the community college, pursues a course of study  
4 at the community college campus leading to a baccalaureate  
5 degree from the foregoing institution (also known as a "2  
6 Plus 2" degree program).

7 (h) A number of assistant state's attorneys shall be  
8 appointed in each county that chooses to participate, as  
9 provided in this subsection, for the prosecution of  
10 alcohol-related traffic offenses. Each county shall receive  
11 monthly a subsidy for payment of the salaries and benefits of  
12 these assistant state's attorneys from State funds  
13 appropriated to the county for that purpose. The amounts of  
14 subsidies provided by this subsection shall be adjusted for  
15 inflation each July 1 using the Consumer Price Index of the  
16 Bureau of Labor Statistics of the U.S. Department of Labor.

17 When a county chooses to participate in the subsidy  
18 program described in this subsection (h), the number of  
19 assistant state's attorneys who are prosecuting  
20 alcohol-related traffic offenses must increase according to  
21 the subsidy provided in this subsection. These appointed  
22 assistant state's attorneys shall be in addition to any other  
23 assistant state's attorneys assigned to those cases on the  
24 effective date of this amendatory Act of the 91st General  
25 Assembly, and may not replace those assistant state's  
26 attorneys. In counties where the state's attorney is the  
27 sole prosecutor, this subsidy shall be used to provide an  
28 assistant state's attorney to prosecute alcohol-related  
29 traffic offenses along with the state's attorney. In  
30 counties where the state's attorney is the sole prosecutor,  
31 and in counties where a judge presides over cases involving a  
32 variety of misdemeanors, including alcohol-related traffic  
33 matters, assistant state's attorneys appointed and subsidized  
34 by this subsection (h) may also prosecute the different

1 misdemeanor cases at the direction of the state's attorney.

2 Assistant state's attorneys shall be appointed under this  
3 subsection in the following number and counties shall receive  
4 the following annual subsidies:

5 (1) In counties with fewer than 30,000 inhabitants,  
6 one at \$35,000.

7 (2) In counties with 30,000 or more but fewer than  
8 100,000 inhabitants, one at \$45,000.

9 (3) In counties with 100,000 or more but fewer than  
10 300,000 inhabitants, 2 at \$45,000 each.

11 (4) In counties, other than Cook County, with  
12 300,000 or more inhabitants, 4 at \$50,000 each.

13 The amounts appropriated under this Section must be  
14 segregated by population classification and disbursed  
15 monthly.

16 If in any year the amount appropriated for the purposes  
17 of this subsection (h) is insufficient to pay all of the  
18 subsidies specified in this subsection, the amount  
19 appropriated shall first be prorated by the population  
20 classifications of this subsection (h) and then among the  
21 counties choosing to participate within each of those  
22 classifications. If any of the appropriated moneys for each  
23 population classification remain at the end of a fiscal year,  
24 the remainder of the moneys may be allocated to participating  
25 counties that were not fully funded during the course of the  
26 year. Nothing in this subsection prohibits 2 or more State's  
27 attorneys from combining their subsidies to appoint a joint  
28 assistant State's attorney to prosecute alcohol-related  
29 traffic offenses in multiple counties. Nothing in this  
30 subsection prohibits a State's attorney from appointing an  
31 assistant State's attorney by contract or otherwise.

32 (Source: P.A. 91-273, eff. 1-1-00; 91-440, eff. 8-6-99;  
33 91-704, eff. 7-1-00; 92-309, eff. 8-9-01.)