



## 93RD GENERAL ASSEMBLY

### State of Illinois

#### 2003 and 2004

Introduced 02/04/04, by Frank Aguilar, John J. Millner, Linda Chapa LaVia

#### SYNOPSIS AS INTRODUCED:

730 ILCS 110/12

from Ch. 38, par. 204-4

Amends the Probation and Probation Officers Act. Requires a probation officer to release information about a defendant who is serving or has served a sentence of probation or is being investigated for eligibility for probation or about the defendant's immediate family members to law enforcement agencies that are investigating the commission of a crime or crimes or conduct related to criminal activities when the safety of the public is at risk or when the probation officer or information in the records kept by the probation officer is able to assist in the apprehension of the defendant. Provides that law enforcement agencies are entitled to only specified identifying information and may only use the information for law enforcement purposes.

LRB093 18454 RLC 44165 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 12 as follows:

6 (730 ILCS 110/12) (from Ch. 38, par. 204-4)

7 Sec. 12. The duties of probation officers shall be:

8 (1) To investigate as required by Section 5-3-1 of the  
9 "Unified Code of Corrections", approved July 26, 1972, as  
10 amended, the case of any person to be placed on probation. Full  
11 opportunity shall be afforded a probation officer to confer  
12 with the person under investigation when such person is in  
13 custody.

14 (2) To notify the court of any previous conviction for  
15 crime or previous probation of any defendant invoking the  
16 provisions of this Act.

17 (3) All reports and notifications required in this Act to  
18 be made by probation officers shall be in writing and shall be  
19 filed by the clerk in the respective cases.

20 (4) To preserve complete and accurate records of cases  
21 investigated, including a description of the person  
22 investigated, the action of the court with respect to his case  
23 and his probation, the subsequent history of such person, if he  
24 becomes a probationer, during the continuance of his probation,  
25 which records shall be open to inspection by any judge or by  
26 any probation officer pursuant to order of court, but shall not  
27 be a public record, and its contents shall not be divulged  
28 otherwise than as above provided, except upon order of court.

29 (5) To take charge of and watch over all persons placed on  
30 probation under such regulations and for such terms as may be  
31 prescribed by the court, and giving to each probationer full  
32 instructions as to the terms of his release upon probation and

1 requiring from him such periodical reports as shall keep the  
2 officer informed as to his conduct.

3 (6) To develop and operate programs of reasonable public or  
4 community service for any persons ordered by the court to  
5 perform public or community service, providing, however, that  
6 no probation officer or any employee of a probation office  
7 acting in the course of his official duties shall be liable for  
8 any tortious acts of any person performing public or community  
9 service except for wilful misconduct or gross negligence on the  
10 part of the probation officer or employee.

11 (7) When any person on probation removes from the county  
12 where his offense was committed, it shall be the duty of the  
13 officer under whose care he was placed to report the facts to  
14 the probation officer in the county to which the probationer  
15 has removed; and it shall thereupon become the duty of such  
16 probation officer to take charge of and watch over said  
17 probationer the same as if the case originated in that county;  
18 and for that purpose he shall have the same power and authority  
19 over said probationer as if he had been originally placed in  
20 said officer's charge; and such officer shall be required to  
21 report in writing every 6 months, or more frequently upon  
22 request the results of his supervision to the probation officer  
23 in whose charge the said probationer was originally placed by  
24 the court.

25 (8) To authorize travel permits to individuals under their  
26 supervision unless otherwise ordered by the court.

27 (9) To perform such other duties as are provided for in  
28 this act or by rules of court and such incidental duties as may  
29 be implied from those expressly required.

30 (10) To send written notification to a public housing  
31 agency if a person on probation for a felony who is under the  
32 supervision of the probation officer informs the probation  
33 officer that he or she has resided, resides, or will reside at  
34 an address that is a housing facility owned, managed, operated,  
35 or leased by that public housing agency.

36 (11) To release information about a defendant to law

1 enforcement agencies that are investigating the commission of a  
2 crime or crimes or conduct related to criminal activities when  
3 the safety of the public is at risk or when the probation  
4 officer or information in the records kept by the probation  
5 officer is able to assist in the apprehension of the defendant.  
6 This includes information about a defendant who is serving a  
7 sentence of probation, whether the sentence originated in that  
8 county or jurisdiction over that defendant or was transferred  
9 from another county or whether the defendant is being  
10 investigated to determine his or her eligibility for a sentence  
11 of probation. This also includes information about defendants  
12 who served and completed a sentence of probation. Law  
13 enforcement agencies are entitled to only identifying  
14 information, such as photographs, tattoos, identifying marks  
15 or characteristics, residential, e-mail, school, or employment  
16 addresses, or phone or pager numbers. Law enforcement agencies  
17 are entitled to similar information about a probationer's  
18 immediate family members. This information shall be used  
19 exclusively for law enforcement purposes.

20 (Source: P.A. 91-506, eff. 8-13-99.)