

1 AN ACT in relation to 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
8 a 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
11 to otherwise carry out the intent of this Act. The Division
12 may:

13 (a) establish qualifications for chief probation
14 officers and other probation and court services personnel
15 as to hiring, promotion, and training.

16 (b) make available, on a timely basis, lists of
17 those applicants whose qualifications meet the
18 regulations referred to herein, including on said lists
19 all candidates found qualified.

20 (c) establish a means of verifying the conditions
21 for reimbursement under this Act and develop criteria for
22 approved costs for reimbursement.

23 (d) develop standards and approve employee
24 compensation schedules for probation and court services
25 departments.

26 (e) employ sufficient personnel in the Division to
27 carry out the functions of the Division.

28 (f) establish a system of training and establish
29 standards for personnel orientation and training.

30 (g) develop standards for a system of record
31 keeping for cases and programs, gather statistics,

1 establish a system of uniform forms, and develop research
2 for planning of Probation Services.

3 (h) develop standards to assure adequate support
4 personnel, office space, equipment and supplies, travel
5 expenses, and other essential items necessary for
6 Probation and Court Services Departments to carry out
7 their duties.

8 (i) review and approve annual plans submitted by
9 Probation and Court Services Departments.

10 (j) monitor and evaluate all programs operated by
11 Probation and Court Services Departments, and may include
12 in the program evaluation criteria such factors as the
13 percentage of Probation sentences for felons convicted of
14 Probationable offenses.

15 (k) seek the cooperation of local and State
16 government and private agencies to improve the quality of
17 probation and court services.

18 (l) where appropriate, establish programs and
19 corresponding standards designed to generally improve the
20 quality of probation and court services and reduce the
21 rate of adult or juvenile offenders committed to the
22 Department of Corrections.

23 (m) establish such other standards and regulations
24 and do all acts necessary to carry out the intent and
25 purposes of this Act.

26 The Division shall establish a model list of structured
27 intermediate sanctions that may be imposed by a probation
28 agency for violations of terms and conditions of a sentence
29 of probation, conditional discharge, or supervision.

30 The State of Illinois shall provide for the costs of
31 personnel, travel, equipment, telecommunications, postage,
32 commodities, printing, space, contractual services and other
33 related costs necessary to carry out the intent of this Act.

34 (2) (a) The chief judge of each circuit shall provide

1 full-time probation services for all counties within the
2 circuit, in a manner consistent with the annual probation
3 plan, the standards, policies, and regulations established by
4 the Supreme Court. A probation district of two or more
5 counties within a circuit may be created for the purposes of
6 providing full-time probation services. Every county or group
7 of counties within a circuit shall maintain a probation
8 department which shall be under the authority of the Chief
9 Judge of the circuit or some other judge designated by the
10 Chief Judge. The Chief Judge, through the Probation and Court
11 Services Department shall submit annual plans to the Division
12 for probation and related services.

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

19 (3) A Probation and Court Service Department shall apply
20 to the Supreme Court for funds for basic services, and may
21 apply for funds for new and expanded programs or
22 Individualized Services and Programs. Costs shall be
23 reimbursed monthly based on a plan and budget approved by the
24 Supreme Court. No Department may be reimbursed for costs
25 which exceed or are not provided for in the approved annual
26 plan and budget. After the effective date of this amendatory
27 Act of 1985, each county must provide basic services in
28 accordance with the annual plan and standards created by the
29 division. No department may receive funds for new or expanded
30 programs or individualized services and programs unless they
31 are in compliance with standards as enumerated in paragraph
32 (h) of subsection (1) of this Section, the annual plan, and
33 standards for basic services.

34 (4) The Division shall reimburse the county or counties

1 for probation services as follows:

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

5 (b) 100% of the salary for all probation officer
6 and supervisor positions approved for reimbursement by
7 the division after April 1, 1984, to meet workload
8 standards and to implement intensive sanction and
9 probation supervision programs and other basic services
10 as defined in this Act.

11 (c) 100% of the salary for all secure detention
12 personnel and non-secure group home personnel approved
13 for reimbursement after December 1, 1990. For all such
14 positions approved for reimbursement before December 1,
15 1990, the counties shall be reimbursed \$1,250 per month
16 beginning July 1, 1995, and an additional \$250 per month
17 beginning each July 1st thereafter until the positions
18 receive 100% salary reimbursement. Allocation of such
19 positions will be based on comparative need considering
20 capacity, staff/resident ratio, physical plant and
21 program.

22 (d) \$1,000 per month for salaries for the remaining
23 probation officer positions engaged in basic services and
24 new or expanded services. All such positions shall be
25 approved by the division in accordance with this Act and
26 division standards.

27 (e) 100% of the travel expenses in accordance with
28 Division standards for all Probation positions approved
29 under paragraph (b) of subsection 4 of this Section.

30 (f) If the amount of funds reimbursed to the county
31 under paragraphs (a) through (e) of subsection 4 of this
32 Section on an annual basis is less than the amount the
33 county had received during the 12 month period
34 immediately prior to the effective date of this

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

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

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

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

27 (b) The annual probation plan shall seek to
28 generally improve the quality of probation services and
29 to reduce the commitment of adult and juvenile offenders
30 to the Department of Corrections and shall require, when
31 appropriate, coordination with the Department of
32 Corrections and the Department of Children and Family
33 Services in the development and use of community
34 resources, information systems, case review and

1 permanency planning systems to avoid the duplication of
2 services.

3 (c) The Department shall be in compliance with
4 standards developed by the Supreme Court for basic, new
5 and expanded services, training, personnel hiring and
6 promotion.

7 (d) The Department shall in its annual plan
8 indicate the manner in which it will support the rights
9 of crime victims and in which manner it will implement
10 Article I, Section 8.1 of the Illinois Constitution and
11 in what manner it will coordinate crime victims' support
12 services with other criminal justice agencies within its
13 jurisdiction, including but not limited to, the State's
14 Attorney, the Sheriff and any municipal police
15 department.

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

19 (a) The probation officer is a full-time employee
20 appointed by the Chief Judge to provide probation
21 services.

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

25 (c) The probation officer is appointed or was
26 reappointed in accordance with minimum qualifications or
27 criteria established by the Supreme Court; however, all
28 probation officers appointed prior to January 1, 1978,
29 shall be exempted from the minimum requirements
30 established by the Supreme Court. Payments shall be made
31 to counties employing these exempted probation officers
32 as long as they are employed in the position held on the
33 effective date of this amendatory Act of 1985.
34 Promotions shall be governed by minimum qualifications

1 established by the Supreme Court.

2 (d) The Department has an established compensation
3 schedule approved by the Supreme Court. The compensation
4 schedule shall include salary ranges with necessary
5 increments to compensate each employee. The increments
6 shall, within the salary ranges, be based on such factors
7 as bona fide occupational qualifications, performance,
8 and length of service. Each position in the Department
9 shall be placed on the compensation schedule according to
10 job duties and responsibilities of such position. The
11 policy and procedures of the compensation schedule shall
12 be made available to each employee.

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

26 (9) Before the 15th day of each month, the treasurer of
27 any county which has a Probation and Court Services
28 Department, or the treasurer of the most populous county, in
29 the case of a Probation or Court Services Department funded
30 by more than one county, shall submit an itemized statement
31 of all approved costs incurred in the delivery of Basic
32 Probation and Court Services under this Act to the Supreme
33 Court. The treasurer may also submit an itemized statement of
34 all approved costs incurred in the delivery of new and

1 expanded Probation and Court Services as well as
2 Individualized Services and Programs. The Supreme Court or
3 its designee shall verify compliance with this Section and
4 shall examine and audit the monthly statement and, upon
5 finding them to be correct, shall forward them to the
6 Comptroller for payment to the county treasurer. In the case
7 of payment to a treasurer of a county which is the most
8 populous of counties sharing the salary and expenses of a
9 Probation and Court Services Department, the treasurer shall
10 divide the money between the counties in a manner that
11 reflects each county's share of the cost incurred by the
12 Department.

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

31 (11) The respective counties shall be responsible for
32 capital and space costs, fringe benefits, clerical costs,
33 equipment, telecommunications, postage, commodities and
34 printing.

1 (12) Probation officers shall be considered peace
2 officers in the exercise of their official duties. Probation
3 officers, sheriffs and police officers may, anywhere within
4 the State, arrest any probationer who is in violation of any
5 of the conditions of his probation, and it shall be the duty
6 of the officer making such arrest to take said probationer
7 before the Court having jurisdiction over him for further
8 order.

9 (13) Each probation officer shall receive such continued
10 education and training as determined by the Administrative
11 Office of the Illinois Courts.

12 (Source: P.A. 89-198, eff. 7-21-95; 89-390, eff. 8-20-95;
13 89-626, eff. 8-9-96.)