



Rep. Suzanne Bassi

Filed: 4/15/2008

09500HB3038ham002

LRB095 06600 RLC 49526 a

1 AMENDMENT TO HOUSE BILL 3038

2 AMENDMENT NO. _____. Amend House Bill 3038, AS AMENDED,
3 with reference to page and line numbers of House Amendment No.
4 1, on page 1, line 8, by deleting "Section 5. The Department of
5 State Police Law of the Civil"; and

6 by deleting lines 9 through 15 on page 1 and lines 1 through 4
7 on page 2; and

8 on page 2, by deleting lines 9 through 22; and

9 by deleting all of pages 3, 4, and 5; and

10 by deleting lines 24 and 25 on page 13 and lines 1 through 3 on
11 page 14; and

12 on page 17, line 4, by inserting after the period the
13 following:

1 "The court may order the respondent in any intimate partner
2 relationship to report to a protocol approved partner abuse
3 intervention program for an assessment and to follow all
4 recommended treatment."; and

5 on page 25, by replacing lines 9 through 13 with the following:

6 "(18) Order for risk assessment evaluation. Order the
7 respondent to undergo a risk assessment evaluation per
8 protocols set by the Illinois Department of Human Services
9 under such terms and conditions as the court may direct.";

10 and

11 on page 71, line 15, by inserting after "court" the following:

12 "(the supervising authority)"; and

13 on page 72, line 15, by replacing "Illinois State Police" with

14 "supervising authority"; and

15 on page 73, by inserting immediately below line 24 the
16 following:

17 "Section 26. The Probation and Probation Officers Act is
18 amended by changing Section 15 as follows:

19 (730 ILCS 110/15) (from Ch. 38, par. 204-7)

20 Sec. 15. (1) The Supreme Court of Illinois may establish a

1 Division of Probation Services whose purpose shall be the
2 development, establishment, promulgation, and enforcement of
3 uniform standards for probation services in this State, and to
4 otherwise carry out the intent of this Act. The Division may:

5 (a) establish qualifications for chief probation
6 officers and other probation and court services personnel
7 as to hiring, promotion, and training.

8 (b) make available, on a timely basis, lists of those
9 applicants whose qualifications meet the regulations
10 referred to herein, including on said lists all candidates
11 found qualified.

12 (c) establish a means of verifying the conditions for
13 reimbursement under this Act and develop criteria for
14 approved costs for reimbursement.

15 (d) develop standards and approve employee
16 compensation schedules for probation and court services
17 departments.

18 (e) employ sufficient personnel in the Division to
19 carry out the functions of the Division.

20 (f) establish a system of training and establish
21 standards for personnel orientation and training.

22 (g) develop standards for a system of record keeping
23 for cases and programs, gather statistics, establish a
24 system of uniform forms, and develop research for planning
25 of Probation Services.

26 (h) develop standards to assure adequate support

1 personnel, office space, equipment and supplies, travel
2 expenses, and other essential items necessary for
3 Probation and Court Services Departments to carry out their
4 duties.

5 (i) review and approve annual plans submitted by
6 Probation and Court Services Departments.

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

12 (k) seek the cooperation of local and State government
13 and private agencies to improve the quality of probation
14 and court services.

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

20 (m) establish such other standards and regulations and
21 do all acts necessary to carry out the intent and purposes
22 of this Act.

23 (n) develop standards to implement the Domestic
24 Violence Surveillance Program established under Section
25 5-8A-7 of the Unified Code of Corrections including (i)
26 procurement of equipment and other services necessary to

1 implement the program and (ii) development of uniform
2 standards for the delivery of the program through county
3 probation departments.

4 The Division shall establish a model list of structured
5 intermediate sanctions that may be imposed by a probation
6 agency for violations of terms and conditions of a sentence of
7 probation, conditional discharge, or supervision.

8 The State of Illinois shall provide for the costs of
9 personnel, travel, equipment, telecommunications, postage,
10 commodities, printing, space, contractual services and other
11 related costs necessary to carry out the intent of this Act.

12 (2) (a) The chief judge of each circuit shall provide
13 full-time probation services for all counties within the
14 circuit, in a manner consistent with the annual probation plan,
15 the standards, policies, and regulations established by the
16 Supreme Court. A probation district of two or more counties
17 within a circuit may be created for the purposes of providing
18 full-time probation services. Every county or group of counties
19 within a circuit shall maintain a probation department which
20 shall be under the authority of the Chief Judge of the circuit
21 or some other judge designated by the Chief Judge. The Chief
22 Judge, through the Probation and Court Services Department
23 shall submit annual plans to the Division for probation and
24 related services.

25 (b) The Chief Judge of each circuit shall appoint the Chief
26 Probation Officer and all other probation officers for his or

1 her circuit from lists of qualified applicants supplied by the
2 Supreme Court. Candidates for chief managing officer and other
3 probation officer positions must apply with both the Chief
4 Judge of the circuit and the Supreme Court.

5 (3) A Probation and Court Service Department shall apply to
6 the Supreme Court for funds for basic services, and may apply
7 for funds for new and expanded programs or Individualized
8 Services and Programs. Costs shall be reimbursed monthly based
9 on a plan and budget approved by the Supreme Court. No
10 Department may be reimbursed for costs which exceed or are not
11 provided for in the approved annual plan and budget. After the
12 effective date of this amendatory Act of 1985, each county must
13 provide basic services in accordance with the annual plan and
14 standards created by the division. No department may receive
15 funds for new or expanded programs or individualized services
16 and programs unless they are in compliance with standards as
17 enumerated in paragraph (h) of subsection (1) of this Section,
18 the annual plan, and standards for basic services.

19 (4) The Division shall reimburse the county or counties for
20 probation services as follows:

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

23 (b) 100% of the salary for all probation officer and
24 supervisor positions approved for reimbursement by the
25 division after April 1, 1984, to meet workload standards
26 and to implement intensive sanction and probation

1 supervision programs and other basic services as defined in
2 this Act.

3 (c) 100% of the salary for all secure detention
4 personnel and non-secure group home personnel approved for
5 reimbursement after December 1, 1990. For all such
6 positions approved for reimbursement before December 1,
7 1990, the counties shall be reimbursed \$1,250 per month
8 beginning July 1, 1995, and an additional \$250 per month
9 beginning each July 1st thereafter until the positions
10 receive 100% salary reimbursement. Allocation of such
11 positions will be based on comparative need considering
12 capacity, staff/resident ratio, physical plant and
13 program.

14 (d) \$1,000 per month for salaries for the remaining
15 probation officer positions engaged in basic services and
16 new or expanded services. All such positions shall be
17 approved by the division in accordance with this Act and
18 division standards.

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

22 (f) If the amount of funds reimbursed to the county
23 under paragraphs (a) through (e) of subsection 4 of this
24 Section on an annual basis is less than the amount the
25 county had received during the 12 month period immediately
26 prior to the effective date of this amendatory Act of 1985,

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

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

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

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

26 (b) The annual probation plan shall seek to generally

1 improve the quality of probation services and to reduce the
2 commitment of adult offenders to the Department of
3 Corrections and to reduce the commitment of juvenile
4 offenders to the Department of Juvenile Justice and shall
5 require, when appropriate, coordination with the
6 Department of Corrections, the Department of Juvenile
7 Justice, and the Department of Children and Family Services
8 in the development and use of community resources,
9 information systems, case review and permanency planning
10 systems to avoid the duplication of services.

11 (c) The Department shall be in compliance with
12 standards developed by the Supreme Court for basic, new and
13 expanded services, training, personnel hiring and
14 promotion.

15 (d) The Department shall in its annual plan indicate
16 the manner in which it will support the rights of crime
17 victims and in which manner it will implement Article I,
18 Section 8.1 of the Illinois Constitution and in what manner
19 it will coordinate crime victims' support services with
20 other criminal justice agencies within its jurisdiction,
21 including but not limited to, the State's Attorney, the
22 Sheriff and any municipal police department.

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

26 (a) The probation officer is a full-time employee

1 appointed by the Chief Judge to provide probation services.

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.

5 (c) The probation officer is appointed or was
6 reappointed in accordance with minimum qualifications or
7 criteria established by the Supreme Court; however, all
8 probation officers appointed prior to January 1, 1978,
9 shall be exempted from the minimum requirements
10 established by the Supreme Court. Payments shall be made to
11 counties employing these exempted probation officers as
12 long as they are employed in the position held on the
13 effective date of this amendatory Act of 1985. Promotions
14 shall be governed by minimum qualifications established by
15 the Supreme Court.

16 (d) The Department has an established compensation
17 schedule approved by the Supreme Court. The compensation
18 schedule shall include salary ranges with necessary
19 increments to compensate each employee. The increments
20 shall, within the salary ranges, be based on such factors
21 as bona fide occupational qualifications, performance, and
22 length of service. Each position in the Department shall be
23 placed on the compensation schedule according to job duties
24 and responsibilities of such position. The policy and
25 procedures of the compensation schedule shall be made
26 available to each employee.

1 (8) In order to obtain full reimbursement of all approved
2 costs, each Department must continue to employ at least the
3 same number of probation officers and probation managers as
4 were authorized for employment for the fiscal year which
5 includes January 1, 1985. This number shall be designated as
6 the base amount of the Department. No positions approved by the
7 Division under paragraph (b) of subsection 4 will be included
8 in the base amount. In the event that the Department employs
9 fewer Probation officers and Probation managers than the base
10 amount for a period of 90 days, funding received by the
11 Department under subsection 4 of this Section may be reduced on
12 a monthly basis by the amount of the current salaries of any
13 positions below the base amount.

14 (9) Before the 15th day of each month, the treasurer of any
15 county which has a Probation and Court Services Department, or
16 the treasurer of the most populous county, in the case of a
17 Probation or Court Services Department funded by more than one
18 county, shall submit an itemized statement of all approved
19 costs incurred in the delivery of Basic Probation and Court
20 Services under this Act to the Supreme Court. The treasurer may
21 also submit an itemized statement of all approved costs
22 incurred in the delivery of new and expanded Probation and
23 Court Services as well as Individualized Services and Programs.
24 The Supreme Court or its designee shall verify compliance with
25 this Section and shall examine and audit the monthly statement
26 and, upon finding them to be correct, shall forward them to the

1 Comptroller for payment to the county treasurer. In the case of
2 payment to a treasurer of a county which is the most populous
3 of counties sharing the salary and expenses of a Probation and
4 Court Services Department, the treasurer shall divide the money
5 between the counties in a manner that reflects each county's
6 share of the cost incurred by the Department.

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

1 (11) The respective counties shall be responsible for
2 capital and space costs, fringe benefits, clerical costs,
3 equipment, telecommunications, postage, commodities and
4 printing.

5 (12) For purposes of this Act only, probation officers
6 shall be considered peace officers. In the exercise of their
7 official duties, probation officers, sheriffs, and police
8 officers may, anywhere within the State, arrest any probationer
9 who is in violation of any of the conditions of his or her
10 probation, conditional discharge, or supervision, and it shall
11 be the duty of the officer making the arrest to take the
12 probationer before the Court having jurisdiction over the
13 probationer for further order.

14 (Source: P.A. 94-91, eff. 7-1-05; 94-696, eff. 6-1-06; 94-839,
15 eff. 6-6-06; 95-707, eff. 1-11-08.); and

16 on page 74, line 25, by deleting "The remedy provided in"; and

17 on page 75, by deleting lines 1 through 3; and

18 on page 86, by replacing lines 13 through 17 with the
19 following:

20 "(18) Order for risk assessment evaluation. Order the
21 respondent to undergo a risk assessment evaluation per
22 protocols set by the Illinois Department of Human Services
23 under such terms and conditions as the court may direct.".