

SB0690



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB0690

Introduced 2/8/2007, by Sen. A. J. Wilhelmi

SYNOPSIS AS INTRODUCED:

730 ILCS 110/15

from Ch. 38, par. 204-7

Amends the Probation and Probation Officers Act. Makes a technical change in a Section concerning the Division of Probation Services.

LRB095 06106 RLC 26199 b

A BILL FOR

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 ~~The~~ Supreme Court of Illinois may
8 establish a Division of Probation Services whose purpose shall
9 be the development, establishment, promulgation, and
10 enforcement of uniform standards for probation services in this
11 State, and to otherwise carry out the intent of this Act. The
12 Division 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 those
17 applicants whose qualifications meet the regulations
18 referred to herein, including on said lists all candidates
19 found qualified.

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

23 (d) develop standards and approve employee

1 compensation schedules for probation and court services
2 departments.

3 (e) employ sufficient personnel in the Division to
4 carry out the functions of the Division.

5 (f) establish a system of training and establish
6 standards for personnel orientation and training.

7 (g) develop standards for a system of record keeping
8 for cases and programs, gather statistics, establish a
9 system of uniform forms, and develop research for planning
10 of Probation Services.

11 (h) develop standards to assure adequate support
12 personnel, office space, equipment and supplies, travel
13 expenses, and other essential items necessary for
14 Probation and Court Services Departments to carry out their
15 duties.

16 (i) review and approve annual plans submitted by
17 Probation and Court Services Departments.

18 (j) monitor and evaluate all programs operated by
19 Probation and Court Services Departments, and may include
20 in the program evaluation criteria such factors as the
21 percentage of Probation sentences for felons convicted of
22 Probationable offenses.

23 (k) seek the cooperation of local and State government
24 and private agencies to improve the quality of probation
25 and court services.

26 (l) where appropriate, establish programs and

1 corresponding standards designed to generally improve the
2 quality of probation and court services and reduce the rate
3 of adult or juvenile offenders committed to the Department
4 of Corrections.

5 (m) establish such other standards and regulations and
6 do all acts necessary to carry out the intent and purposes
7 of this Act.

8 The Division shall establish a model list of structured
9 intermediate sanctions that may be imposed by a probation
10 agency for violations of terms and conditions of a sentence of
11 probation, conditional discharge, or supervision.

12 The State of Illinois shall provide for the costs of
13 personnel, travel, equipment, telecommunications, postage,
14 commodities, printing, space, contractual services and other
15 related costs necessary to carry out the intent of this Act.

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

1 shall submit annual plans to the Division for probation and
2 related services.

3 (b) The Chief Judge of each circuit shall appoint the Chief
4 Probation Officer and all other probation officers for his or
5 her circuit from lists of qualified applicants supplied by the
6 Supreme Court. Candidates for chief managing officer and other
7 probation officer positions must apply with both the Chief
8 Judge of the circuit and the Supreme Court.

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

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

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

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

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

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

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

26 (f) If the amount of funds reimbursed to the county

1 under paragraphs (a) through (e) of subsection 4 of this
2 Section on an annual basis is less than the amount the
3 county had received during the 12 month period immediately
4 prior to the effective date of this amendatory Act of 1985,
5 then the Division shall reimburse the amount of the
6 difference to the county. The effect of paragraph (b) of
7 subsection 7 of this Section shall be considered in
8 implementing this supplemental reimbursement provision.

9 (5) The Division shall provide funds beginning on April 1,
10 1987 for the counties to provide Individualized Services and
11 Programs as provided in Section 16 of this Act.

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

18 (a) The Department shall have on file with the Supreme
19 Court an annual Probation plan for continuing, improved,
20 and new Probation and Court Services Programs approved by
21 the Supreme Court or its designee. This plan shall indicate
22 the manner in which Probation and Court Services will be
23 delivered and improved, consistent with the minimum
24 standards and regulations for Probation and Court
25 Services, as established by the Supreme Court. In counties
26 with more than one Probation and Court Services Department

1 eligible to receive funds, all Departments within that
2 county must submit plans which are approved by the Supreme
3 Court.

4 (b) The annual probation plan shall seek to generally
5 improve the quality of probation services and to reduce the
6 commitment of adult offenders to the Department of
7 Corrections and to reduce the commitment of juvenile
8 offenders to the Department of Juvenile Justice and shall
9 require, when appropriate, coordination with the
10 Department of Corrections, the Department of Juvenile
11 Justice, and the Department of Children and Family Services
12 in the development and use of community resources,
13 information systems, case review and permanency planning
14 systems to avoid the duplication of services.

15 (c) The Department shall be in compliance with
16 standards developed by the Supreme Court for basic, new and
17 expanded services, training, personnel hiring and
18 promotion.

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

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

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

6 (b) The probation officer, in order to be eligible for
7 State reimbursement, is receiving a salary of at least
8 \$17,000 per year.

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

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

1 placed on the compensation schedule according to job duties
2 and responsibilities of such position. The policy and
3 procedures of the compensation schedule shall be made
4 available to each employee.

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

18 (9) Before the 15th day of each month, the treasurer of any
19 county which has a Probation and Court Services Department, or
20 the treasurer of the most populous county, in the case of a
21 Probation or Court Services Department funded by more than one
22 county, shall submit an itemized statement of all approved
23 costs incurred in the delivery of Basic Probation and Court
24 Services under this Act to the Supreme Court. The treasurer may
25 also submit an itemized statement of all approved costs
26 incurred in the delivery of new and expanded Probation and

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

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

1 including those required under Section 13 of this Act. For
2 State fiscal years 2004, 2005, 2006, and 2007 only, the
3 Mandatory Arbitration Fund may be used to provide for Probation
4 Department expenses, including those required under Section 13
5 of this Act.

6 (11) The respective counties shall be responsible for
7 capital and space costs, fringe benefits, clerical costs,
8 equipment, telecommunications, postage, commodities and
9 printing.

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

19 (Source: P.A. 93-25, eff. 6-20-03; 93-576, eff. 1-1-04; 93-839,
20 eff. 7-30-04; 94-91, eff. 7-1-05; 94-696, eff. 6-1-06; 94-839,
21 eff. 6-6-06.)