



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB1202

Introduced 2/11/2009, by Rep. Gary Hannig

SYNOPSIS AS INTRODUCED:

55 ILCS 5/4-2001

from Ch. 34, par. 4-2001

Amends the Counties Code. Provides that, within 90 days after the effective date of the amendatory Act, a county board by resolution or ordinance may increase the amount of compensation paid to an eligible state's attorney in their county in the form of a longevity stipend which shall be added to and become part of the salary of the state's attorney for that year. Specifies eligibility requirements. Effective immediately.

LRB096 08952 RLJ 19090 b

1 AN ACT concerning local government.

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 Section
5 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 attorneys
9 in this State, except the state's attorney of Cook County, the
10 following annual salary:

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

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

21 (3) Subject to paragraph (5), to each state's attorney
22 in counties containing 20,000 or more but less than 30,000
23 inhabitants, \$51,000 until December 31, 1988, \$65,000

1 until June 30, 1994, and \$75,000 thereafter or as set by
2 the Compensation Review Board, whichever is greater.

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

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

15 The State shall furnish 66 2/3% of the total annual
16 compensation to be paid to each state's attorney in Illinois
17 based on the salary in effect on December 31, 1988, and 100% of
18 the increases in salary taking effect after December 31, 1988.

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

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

25 Within 90 days after the effective date of this amendatory
26 Act of the 96th General Assembly, a county board by resolution

1 or ordinance may increase the amount of compensation to be paid
2 to each eligible state's attorney in their county in the form
3 of a longevity stipend which shall be added to and become part
4 of the salary of the state's attorney for that year. To be
5 eligible, the state's attorney must elect to participate in a
6 program for an alternative annuity for county officers and make
7 the required additional optional contributions as authorized
8 by P.A. 90-32.

9 (b) Effective December 1, 2000, no state's attorney may
10 engage in the private practice of law. However, until November
11 30, 2000, (i) the state's attorneys in counties containing
12 fewer than 10,000 inhabitants may engage in the practice of
13 law, and (ii) in any county between 10,000 and 30,000
14 inhabitants or in any county containing 30,000 or more
15 inhabitants which reached that population between 1970 and
16 December 31, 1981, the state's attorney may declare his or her
17 intention to engage in the private practice of law, and may do
18 so through no later than November 30, 2000, by filing a written
19 declaration of intent to engage in the private practice of law
20 with the county clerk. The declaration of intention shall be
21 irrevocable during the remainder of the term of office. The
22 declaration shall be filed with the county clerk within 30 days
23 of certification of election or appointment, or within 60 days
24 of March 15, 1989, whichever is later. In that event the annual
25 salary of such state's attorney shall be as follows:

26 (1) In counties containing 10,000 or more inhabitants

1 but less than 20,000 inhabitants, \$46,500 until December
2 31, 1988, \$51,500 until June 30, 1994, and \$61,500
3 thereafter or as set by the Compensation Review Board,
4 whichever is greater. The State shall furnish 100% of the
5 increases taking effect after December 31, 1988.

6 (2) In counties containing 20,000 or more inhabitants
7 but less than 30,000 inhabitants, and in counties
8 containing 30,000 or more inhabitants which reached said
9 population between 1970 and December 31, 1981, \$51,500
10 until December 31, 1988, \$56,000 until June 30, 1994, and
11 \$65,000 thereafter or as set by the Compensation Review
12 Board, whichever is greater. The State shall furnish 100%
13 of the increases taking effect after December 31, 1988.

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

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

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

25 (3) To each assistant state's attorney in counties
26 containing not less than 20,000 inhabitants and not more

1 than 30,000 inhabitants, the sum of \$4,000 per annum;

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

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

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

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

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

23 (1) \$22,000 for each assistant state's attorney in
24 counties with one or more State correctional institutions
25 with a total average daily inmate population in excess of
26 2,000, on the basis of 2 assistant state's attorneys when

1 the total average daily inmate population exceeds 2,000 but
2 is less than 4,000; and 3 assistant state's attorneys when
3 such population exceeds 4,000; with reimbursement to be
4 based on actual services rendered.

5 (2) \$15,000 per year for one assistant state's attorney
6 in counties having one or more correctional institutions
7 with a total average daily inmate population of between 750
8 and 2,000 inmates, with reimbursement to be based on actual
9 services rendered.

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

13 Upon application of the county governing authority and
14 certification of the State's Attorney, the Director of
15 Corrections may, in his discretion and subject to
16 appropriation, increase the amount of salary reimbursement
17 to a county in the event special circumstances require the
18 county to incur extraordinary salary expenditures as a
19 result of services performed in connection with State
20 correctional institutions in that county.

21 In determining whether or not to increase the amount of
22 salary reimbursement, the Director shall consider, among other
23 matters:

- 24 (1) the nature of the services rendered;
25 (2) the results or dispositions obtained;
26 (3) whether or not the county was required to employ

1 additional attorney personnel as a direct result of the
2 services actually rendered in connection with a particular
3 service to a State correctional institution.

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

9 (1) \$14,000 per year each for employment on a full time
10 basis for 2 assistant state's attorneys in counties having
11 a State university or State universities with combined full
12 time enrollment of more than 15,000 students.

13 (2) \$7,200 per year for one assistant state's attorney
14 with no limitation on other practice in counties having a
15 State university or State universities with combined full
16 time enrollment of 10,000 to 15,000 students.

17 (3) \$4,000 per year for one assistant state's attorney
18 with no limitation on other practice in counties having a
19 State university or State universities with combined full
20 time enrollment of less than 10,000 students.

21 Such salaries shall be paid to the state's attorney and the
22 assistant state's attorney in equal monthly installments by
23 such county out of the county treasury provided that the State
24 of Illinois shall reimburse each county monthly from the state
25 treasury the amount of such salary. This Section shall not
26 prevent the payment of such additional compensation to the

1 state's attorney or assistant state's attorney of any county,
2 out of the treasury of that county as may be provided by law.

3 (g) For purposes of this Section, "State mental health
4 institution" means any institution under the jurisdiction of
5 the Department of Human Services that is listed in Section 4 of
6 the Mental Health and Developmental Disabilities
7 Administrative Act.

8 For purposes of this Section, "State correctional
9 institution" means any facility of the Department of
10 Corrections including adult facilities, juvenile facilities,
11 pre-release centers, community correction centers, and work
12 camps.

13 For purposes of this Section, "State university" means the
14 University of Illinois, Southern Illinois University, Chicago
15 State University, Eastern Illinois University, Governors State
16 University, Illinois State University, Northeastern Illinois
17 University, Northern Illinois University, Western Illinois
18 University, and any public community college which has
19 established a program of interinstitutional cooperation with
20 one of the foregoing institutions whereby a student, after
21 earning an associate degree from the community college, pursues
22 a course of study at the community college campus leading to a
23 baccalaureate degree from the foregoing institution (also
24 known as a "2 Plus 2" degree program).

25 (h) A number of assistant state's attorneys shall be
26 appointed in each county that chooses to participate, as

1 provided in this subsection, for the prosecution of
2 alcohol-related traffic offenses. Each county shall receive
3 monthly a subsidy for payment of the salaries and benefits of
4 these assistant state's attorneys from State funds
5 appropriated to the county for that purpose. The amounts of
6 subsidies provided by this subsection shall be adjusted for
7 inflation each July 1 using the Consumer Price Index of the
8 Bureau of Labor Statistics of the U.S. Department of Labor.

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

1 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, one
6 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 300,000
12 or more inhabitants, 4 at \$50,000 each.

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

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

1 prosecute alcohol-related traffic offenses in multiple
2 counties. Nothing in this subsection prohibits a State's
3 attorney from appointing an assistant State's attorney by
4 contract or otherwise.

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

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.