

SB1523



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB1523

Introduced 2/18/2009, by Sen. David Koehler

SYNOPSIS AS INTRODUCED:

55 ILCS 5/4-2001

from Ch. 34, par. 4-2001

Amends the Counties Code. Makes a technical change in a Section concerning state's attorney salaries.

LRB096 10558 RLJ 20730 b

A BILL FOR

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 ~~the~~ several state's
9 attorneys in this State, except the state's attorney of Cook
10 County, the 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 (b) Effective December 1, 2000, no state's attorney may
26 engage in the private practice of law. However, until November

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

16 (1) In counties containing 10,000 or more inhabitants
17 but less than 20,000 inhabitants, \$46,500 until December
18 31, 1988, \$51,500 until June 30, 1994, and \$61,500
19 thereafter or as set by the Compensation Review Board,
20 whichever is greater. The State shall furnish 100% of the
21 increases taking effect after December 31, 1988.

22 (2) In counties containing 20,000 or more inhabitants
23 but less than 30,000 inhabitants, and in counties
24 containing 30,000 or more inhabitants which reached said
25 population between 1970 and December 31, 1981, \$51,500
26 until December 31, 1988, \$56,000 until June 30, 1994, and

1 \$65,000 thereafter or as set by the Compensation Review
2 Board, whichever is greater. The State shall furnish 100%
3 of the increases taking effect after December 31, 1988.

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

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

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

15 (3) To each assistant state's attorney in counties
16 containing not less than 20,000 inhabitants and not more
17 than 30,000 inhabitants, the sum of \$4,000 per annum;

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

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

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

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

5 (e) At the request of the county governing authority, in
6 counties where one or more state correctional institutions, as
7 hereinafter defined, are located, one or more assistant state's
8 attorneys shall receive for their services, provided that such
9 services are performed in connection with the state
10 correctional institution, payable monthly from the state
11 treasury to the county in which they are appointed, the
12 following:

13 (1) \$22,000 for each assistant state's attorney in
14 counties with one or more State correctional institutions
15 with a total average daily inmate population in excess of
16 2,000, on the basis of 2 assistant state's attorneys when
17 the total average daily inmate population exceeds 2,000 but
18 is less than 4,000; and 3 assistant state's attorneys when
19 such population exceeds 4,000; with reimbursement to be
20 based on actual services rendered.

21 (2) \$15,000 per year for one assistant state's attorney
22 in counties having one or more correctional institutions
23 with a total average daily inmate population of between 750
24 and 2,000 inmates, with reimbursement to be based on actual
25 services rendered.

26 (3) A maximum of \$12,000 per year for one assistant

1 state's attorney in counties having less than 750 inmates,
2 with reimbursement to be based on actual services rendered.

3 Upon application of the county governing authority and
4 certification of the State's Attorney, the Director of
5 Corrections may, in his discretion and subject to
6 appropriation, increase the amount of salary reimbursement
7 to a county in the event special circumstances require the
8 county to incur extraordinary salary expenditures as a
9 result of services performed in connection with State
10 correctional institutions in that county.

11 In determining whether or not to increase the amount of
12 salary reimbursement, the Director shall consider, among other
13 matters:

- 14 (1) the nature of the services rendered;
15 (2) the results or dispositions obtained;
16 (3) whether or not the county was required to employ
17 additional attorney personnel as a direct result of the
18 services actually rendered in connection with a particular
19 service to a State correctional institution.

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

- 25 (1) \$14,000 per year each for employment on a full time
26 basis for 2 assistant state's attorneys in counties having

1 a State university or State universities with combined full
2 time enrollment of more than 15,000 students.

3 (2) \$7,200 per year for one assistant state's attorney
4 with no limitation on other practice in counties having a
5 State university or State universities with combined full
6 time enrollment of 10,000 to 15,000 students.

7 (3) \$4,000 per year for one assistant state's attorney
8 with no limitation on other practice in counties having a
9 State university or State universities with combined full
10 time enrollment of less than 10,000 students.

11 Such salaries shall be paid to the state's attorney and the
12 assistant state's attorney in equal monthly installments by
13 such county out of the county treasury provided that the State
14 of Illinois shall reimburse each county monthly from the state
15 treasury the amount of such salary. This Section shall not
16 prevent the payment of such additional compensation to the
17 state's attorney or assistant state's attorney of any county,
18 out of the treasury of that county as may be provided by law.

19 (g) For purposes of this Section, "State mental health
20 institution" means any institution under the jurisdiction of
21 the Department of Human Services that is listed in Section 4 of
22 the Mental Health and Developmental Disabilities
23 Administrative Act.

24 For purposes of this Section, "State correctional
25 institution" means any facility of the Department of
26 Corrections including adult facilities, juvenile facilities,

1 pre-release centers, community correction centers, and work
2 camps.

3 For purposes of this Section, "State university" means the
4 University of Illinois, Southern Illinois University, Chicago
5 State University, Eastern Illinois University, Governors State
6 University, Illinois State University, Northeastern Illinois
7 University, Northern Illinois University, Western Illinois
8 University, and any public community college which has
9 established a program of interinstitutional cooperation with
10 one of the foregoing institutions whereby a student, after
11 earning an associate degree from the community college, pursues
12 a course of study at the community college campus leading to a
13 baccalaureate degree from the foregoing institution (also
14 known as a "2 Plus 2" degree program).

15 (h) A number of assistant state's attorneys shall be
16 appointed in each county that chooses to participate, as
17 provided in this subsection, for the prosecution of
18 alcohol-related traffic offenses. Each county shall receive
19 monthly a subsidy for payment of the salaries and benefits of
20 these assistant state's attorneys from State funds
21 appropriated to the county for that purpose. The amounts of
22 subsidies provided by this subsection shall be adjusted for
23 inflation each July 1 using the Consumer Price Index of the
24 Bureau of Labor Statistics of the U.S. Department of Labor.

25 When a county chooses to participate in the subsidy program
26 described in this subsection (h), the number of assistant

1 state's attorneys who are prosecuting alcohol-related traffic
2 offenses must increase according to the subsidy provided in
3 this subsection. These appointed assistant state's attorneys
4 shall be in addition to any other assistant state's attorneys
5 assigned to those cases on the effective date of this
6 amendatory Act of the 91st General Assembly, and may not
7 replace those assistant state's attorneys. In counties where
8 the state's attorney is the sole prosecutor, this subsidy shall
9 be used to provide an assistant state's attorney to prosecute
10 alcohol-related traffic offenses along with the state's
11 attorney. In counties where the state's attorney is the sole
12 prosecutor, and in counties where a judge presides over cases
13 involving a variety of misdemeanors, including alcohol-related
14 traffic matters, assistant state's attorneys appointed and
15 subsidized by this subsection (h) may also prosecute the
16 different misdemeanor cases at the direction of the state's
17 attorney.

18 Assistant state's attorneys shall be appointed under this
19 subsection in the following number and counties shall receive
20 the following annual subsidies:

21 (1) In counties with fewer than 30,000 inhabitants, one
22 at \$35,000.

23 (2) In counties with 30,000 or more but fewer than
24 100,000 inhabitants, one at \$45,000.

25 (3) In counties with 100,000 or more but fewer than
26 300,000 inhabitants, 2 at \$45,000 each.

1 (4) In counties, other than Cook County, with 300,000
2 or more inhabitants, 4 at \$50,000 each.

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

5 If in any year the amount appropriated for the purposes of
6 this subsection (h) is insufficient to pay all of the subsidies
7 specified in this subsection, the amount appropriated shall
8 first be prorated by the population classifications of this
9 subsection (h) and then among the counties choosing to
10 participate within each of those classifications. If any of the
11 appropriated moneys for each population classification remain
12 at the end of a fiscal year, the remainder of the moneys may be
13 allocated to participating counties that were not fully funded
14 during the course of the year. Nothing in this subsection
15 prohibits 2 or more State's attorneys from combining their
16 subsidies to appoint a joint assistant State's attorney to
17 prosecute alcohol-related traffic offenses in multiple
18 counties. Nothing in this subsection prohibits a State's
19 attorney from appointing an assistant State's attorney by
20 contract or otherwise.

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