

**SB2563**



**96TH GENERAL ASSEMBLY**

**State of Illinois**

**2009 and 2010**

**SB2563**

Introduced 1/13/2010, by Sen. Dan Cronin

**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 16654 RLJ 31935 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          Within 90 days after the effective date of this amendatory  
26          Act of the 96th General Assembly, the county board of any

1 county with a population between 15,000 and 50,000 by  
2 resolution or ordinance may increase the amount of compensation  
3 to be paid to each eligible state's attorney in their county in  
4 the form of a longevity stipend which shall be added to and  
5 become part of the salary of the state's attorney for that  
6 year. To be eligible, the state's attorney must have served in  
7 the elected position for at least 20 continuous years and elect  
8 to participate in a program for an alternative annuity for  
9 county officers and make the required additional optional  
10 contributions as authorized by P.A. 90-32.

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

1 salary of such state's attorney shall be as follows:

2 (1) In counties containing 10,000 or more inhabitants  
3 but less than 20,000 inhabitants, \$46,500 until December  
4 31, 1988, \$51,500 until June 30, 1994, and \$61,500  
5 thereafter or as set by the Compensation Review Board,  
6 whichever is greater. The State shall furnish 100% of the  
7 increases taking effect after December 31, 1988.

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

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

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

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

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

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

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

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

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

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

25           (1) \$22,000 for each assistant state's attorney in  
26 counties with one or more State correctional institutions

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

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

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

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

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

26 (1) the nature of the services rendered;

1 (2) the results or dispositions obtained;

2 (3) whether or not the county was required to employ  
3 additional attorney personnel as a direct result of the  
4 services actually rendered in connection with a particular  
5 service to a State correctional institution.

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

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

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

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

23 Such salaries shall be paid to the state's attorney and the  
24 assistant state's attorney in equal monthly installments by  
25 such county out of the county treasury provided that the State  
26 of Illinois shall reimburse each county monthly from the state



1 treasury the amount of such salary. This Section shall not  
2 prevent the payment of such additional compensation to the  
3 state's attorney or assistant state's attorney of any county,  
4 out of the treasury of that county as may be provided by law.

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

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

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

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

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

1 subsidized by this subsection (h) may also prosecute the  
2 different misdemeanor cases at the direction of the state's  
3 attorney.

4 Assistant state's attorneys shall be appointed under this  
5 subsection in the following number and counties shall receive  
6 the following annual subsidies:

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

9 (2) In counties with 30,000 or more but fewer than  
10 100,000 inhabitants, one at \$45,000.

11 (3) In counties with 100,000 or more but fewer than  
12 300,000 inhabitants, 2 at \$45,000 each.

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

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

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

1 prohibits 2 or more State's attorneys from combining their  
2 subsidies to appoint a joint assistant State's attorney to  
3 prosecute alcohol-related traffic offenses in multiple  
4 counties. Nothing in this subsection prohibits a State's  
5 attorney from appointing an assistant State's attorney by  
6 contract or otherwise.

7 (Source: P.A. 96-259, eff. 8-11-09.)