

SB3539



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB3539

Introduced 2/10/2010, by Sen. Kwame Raoul

SYNOPSIS AS INTRODUCED:

730 ILCS 110/15

from Ch. 38, par. 204-7

Amends the Probation and Probation Officers Act. Provides that beginning January 1, 2011, minimum qualifications of probation officers shall include at least 30 hours per year in training or continuing education, provided that such training or continuing education programs have been approved in advance by the Division of Probation Services. Provides that beginning January 1, 2014, such minimum qualifications shall include at least 40 hours per year in training or continuing education, provided that such training or continuing education programs have been approved in advance by the Division of Probation Services.

LRB096 19452 RLC 34844 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 Supreme Court of Illinois may establish a
8 Division of Probation Services whose purpose shall be the
9 development, establishment, promulgation, and enforcement of
10 uniform standards for probation services in this State, and to
11 otherwise carry out the intent of this Act. The Division may:

12 (a) establish qualifications for chief probation
13 officers and other probation and court services personnel
14 as to hiring, promotion, and training.

15 (b) make available, on a timely basis, lists of those
16 applicants whose qualifications meet the regulations
17 referred to herein, including on said lists all candidates
18 found qualified.

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

22 (d) develop standards and approve employee
23 compensation schedules for probation and court services

1 departments.

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

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

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

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

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

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

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

25 (l) where appropriate, establish programs and
26 corresponding standards designed to generally improve the

1 quality of probation and court services and reduce the rate
2 of adult or juvenile offenders committed to the Department
3 of Corrections.

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

7 The Division shall develop standards to implement the
8 Domestic Violence Surveillance Program established under
9 Section 5-8A-7 of the Unified Code of Corrections, including
10 (i) procurement of equipment and other services necessary to
11 implement the program and (ii) development of uniform standards
12 for the delivery of the program through county probation
13 departments, and develop standards for collecting data to
14 evaluate the impact and costs of the Domestic Violence
15 Surveillance Program.

16 The Division shall establish a model list of structured
17 intermediate sanctions that may be imposed by a probation
18 agency for violations of terms and conditions of a sentence of
19 probation, conditional discharge, or supervision.

20 The State of Illinois shall provide for the costs of
21 personnel, travel, equipment, telecommunications, postage,
22 commodities, printing, space, contractual services and other
23 related costs necessary to carry out the intent of this Act.

24 (2) (a) The chief judge of each circuit shall provide
25 full-time probation services for all counties within the
26 circuit, in a manner consistent with the annual probation plan,

1 the standards, policies, and regulations established by the
2 Supreme Court. A probation district of two or more counties
3 within a circuit may be created for the purposes of providing
4 full-time probation services. Every county or group of counties
5 within a circuit shall maintain a probation department which
6 shall be under the authority of the Chief Judge of the circuit
7 or some other judge designated by the Chief Judge. The Chief
8 Judge, through the Probation and Court Services Department
9 shall submit annual plans to the Division for probation and
10 related services.

11 (b) The Chief Judge of each circuit shall appoint the Chief
12 Probation Officer and all other probation officers for his or
13 her circuit from lists of qualified applicants supplied by the
14 Supreme Court. Candidates for chief managing officer and other
15 probation officer positions must apply with both the Chief
16 Judge of the circuit and the Supreme Court.

17 (3) A Probation and Court Service Department shall apply to
18 the Supreme Court for funds for basic services, and may apply
19 for funds for new and expanded programs or Individualized
20 Services and Programs. Costs shall be reimbursed monthly based
21 on a plan and budget approved by the Supreme Court. No
22 Department may be reimbursed for costs which exceed or are not
23 provided for in the approved annual plan and budget. After the
24 effective date of this amendatory Act of 1985, each county must
25 provide basic services in accordance with the annual plan and
26 standards created by the division. No department may receive

1 funds for new or expanded programs or individualized services
2 and programs unless they are in compliance with standards as
3 enumerated in paragraph (h) of subsection (1) of this Section,
4 the annual plan, and standards for basic services.

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

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

9 (b) 100% of the salary for all probation officer and
10 supervisor positions approved for reimbursement by the
11 division after April 1, 1984, to meet workload standards
12 and to implement intensive sanction and probation
13 supervision programs and other basic services as defined in
14 this Act.

15 (c) 100% of the salary for all secure detention
16 personnel and non-secure group home personnel approved for
17 reimbursement after December 1, 1990. For all such
18 positions approved for reimbursement before December 1,
19 1990, the counties shall be reimbursed \$1,250 per month
20 beginning July 1, 1995, and an additional \$250 per month
21 beginning each July 1st thereafter until the positions
22 receive 100% salary reimbursement. Allocation of such
23 positions will be based on comparative need considering
24 capacity, staff/resident ratio, physical plant and
25 program.

26 (d) \$1,000 per month for salaries for the remaining

1 probation officer positions engaged in basic services and
2 new or expanded services. All such positions shall be
3 approved by the division in accordance with this Act and
4 division standards.

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

8 (f) If the amount of funds reimbursed to the county
9 under paragraphs (a) through (e) of subsection 4 of this
10 Section on an annual basis is less than the amount the
11 county had received during the 12 month period immediately
12 prior to the effective date of this amendatory Act of 1985,
13 then the Division shall reimburse the amount of the
14 difference to the county. The effect of paragraph (b) of
15 subsection 7 of this Section shall be considered in
16 implementing this supplemental reimbursement provision.

17 (5) The Division shall provide funds beginning on April 1,
18 1987 for the counties to provide Individualized Services and
19 Programs as provided in Section 16 of this Act.

20 (6) A Probation and Court Services Department in order to
21 be eligible for the reimbursement must submit to the Supreme
22 Court an application containing such information and in such a
23 form and by such dates as the Supreme Court may require.
24 Departments to be eligible for funding must satisfy the
25 following conditions:

26 (a) The Department shall have on file with the Supreme

1 Court an annual Probation plan for continuing, improved,
2 and new Probation and Court Services Programs approved by
3 the Supreme Court or its designee. This plan shall indicate
4 the manner in which Probation and Court Services will be
5 delivered and improved, consistent with the minimum
6 standards and regulations for Probation and Court
7 Services, as established by the Supreme Court. In counties
8 with more than one Probation and Court Services Department
9 eligible to receive funds, all Departments within that
10 county must submit plans which are approved by the Supreme
11 Court.

12 (b) The annual probation plan shall seek to generally
13 improve the quality of probation services and to reduce the
14 commitment of adult offenders to the Department of
15 Corrections and to reduce the commitment of juvenile
16 offenders to the Department of Juvenile Justice and shall
17 require, when appropriate, coordination with the
18 Department of Corrections, the Department of Juvenile
19 Justice, and the Department of Children and Family Services
20 in the development and use of community resources,
21 information systems, case review and permanency planning
22 systems to avoid the duplication of services.

23 (c) The Department shall be in compliance with
24 standards developed by the Supreme Court for basic, new and
25 expanded services, training, personnel hiring and
26 promotion.

1 (d) The Department shall in its annual plan indicate
2 the manner in which it will support the rights of crime
3 victims and in which manner it will implement Article I,
4 Section 8.1 of the Illinois Constitution and in what manner
5 it will coordinate crime victims' support services with
6 other criminal justice agencies within its jurisdiction,
7 including but not limited to, the State's Attorney, the
8 Sheriff and any municipal police department.

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

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

14 (b) The probation officer, in order to be eligible for
15 State reimbursement, is receiving a salary of at least
16 \$17,000 per year.

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

1 the Supreme Court. Beginning January 1, 2011, such minimum
2 qualifications shall include at least 30 hours per year in
3 training or continuing education, provided that such
4 training or continuing education programs have been
5 approved in advance by the Division of Probation Services.
6 Beginning January 1, 2014, such minimum qualifications
7 shall include at least 40 hours per year in training or
8 continuing education, provided that such training or
9 continuing education programs have been approved in
10 advance by the Division of Probation Services.

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

22 (8) In order to obtain full reimbursement of all approved
23 costs, each Department must continue to employ at least the
24 same number of probation officers and probation managers as
25 were authorized for employment for the fiscal year which
26 includes January 1, 1985. This number shall be designated as

1 the base amount of the Department. No positions approved by the
2 Division under paragraph (b) of subsection 4 will be included
3 in the base amount. In the event that the Department employs
4 fewer Probation officers and Probation managers than the base
5 amount for a period of 90 days, funding received by the
6 Department under subsection 4 of this Section may be reduced on
7 a monthly basis by the amount of the current salaries of any
8 positions below the base amount.

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

1 share of the cost incurred by the Department.

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

22 (11) The respective counties shall be responsible for
23 capital and space costs, fringe benefits, clerical costs,
24 equipment, telecommunications, postage, commodities and
25 printing.

26 (12) For purposes of this Act only, probation officers

1 shall be considered peace officers. In the exercise of their
2 official duties, probation officers, sheriffs, and police
3 officers may, anywhere within the State, arrest any probationer
4 who is in violation of any of the conditions of his or her
5 probation, conditional discharge, or supervision, and it shall
6 be the duty of the officer making the arrest to take the
7 probationer before the Court having jurisdiction over the
8 probationer for further order.

9 (Source: P.A. 95-707, eff. 1-11-08; 95-773, eff. 1-1-09;
10 96-688, eff. 8-25-09.)