



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB1439

by Rep. Frank J. Mautino

#### SYNOPSIS AS INTRODUCED:

55 ILCS 5/3-9012  
55 ILCS 5/4-2001

from Ch. 34, par. 3-9012  
from Ch. 34, par. 4-2001

Amends the Counties Code. Provides that the amount to be paid by the counties to a State's attorney and the amount of the reimbursement from the State Treasury shall be apportioned to a county based on its population. Provides that each State's attorney in counties with a population of less than 30,000 shall be paid \$128,959, of which the counties shall pay \$16,998; and each State's attorney in counties with a population of 30,000 or more, shall receive \$166,508, of which the counties shall pay \$21,831. Effective immediately.

LRB097 10073 KMW 50250 b

FISCAL NOTE ACT  
MAY APPLY

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  
5 Sections 3-9012 and 4-2001 as follows:

6 (55 ILCS 5/3-9012) (from Ch. 34, par. 3-9012)

7 Sec. 3-9012. Compensation. A State's attorney's  
8 compensation shall be as proscribed by law during his or her  
9 term of office, notwithstanding any amounts due and owed from  
10 the State Treasury. A State's attorney who serves 2 or more  
11 counties shall receive such compensation from the State  
12 Treasury as is provided by law for the State's attorney of a  
13 single county. ~~He shall be paid by the counties such~~  
14 ~~compensation as may be agreed upon by the county boards within~~  
15 ~~the salary range prescribed by law applicable to a single~~  
16 ~~county with a population equal to the combined population of~~  
17 ~~the counties he serves. Unless the county boards agree upon a~~  
18 ~~lesser amount, he shall be paid the highest permissible salary~~  
19 ~~within such range.~~ The amount to be paid by the counties and  
20 the amount of the reimbursement from the State Treasury shall  
21 be apportioned among them on the basis of their population.  
22 ~~Seventy-five percent (75%) of the amount provided by law to be~~  
23 ~~paid from the State treasury for the services of the State's~~

1 ~~attorney in the case of a single county is payable to each of~~  
2 ~~the counties served by the same State's attorney, except that~~  
3 ~~the amounts paid to those counties under this Section in any~~  
4 ~~year may not exceed, in the aggregate, the annual salary paid~~  
5 ~~to that State's attorney from both county and State funds, in~~  
6 ~~which case reduction of the State's contribution to each county~~  
7 ~~shall be reduced proportionately according to population of~~  
8 ~~each participating county.~~

9 (Source: P.A. 86-962.)

10 (55 ILCS 5/4-2001) (from Ch. 34, par. 4-2001)

11 Sec. 4-2001. State's attorney salaries.

12 (a) There shall be allowed to the several state's attorneys  
13 in this State, except the state's attorney of Cook County, the  
14 following annual salary:

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

20 (2) (Blank). ~~Subject to paragraph (5), to each state's~~  
21 ~~attorney in counties containing 10,000 or more inhabitants~~  
22 ~~but less than 20,000 inhabitants, \$46,500 until December~~  
23 ~~31, 1988, \$61,500 until June 30, 1994, and \$71,500~~  
24 ~~thereafter or as set by the Compensation Review Board,~~  
25 ~~whichever is greater.~~

1           (3) (Blank). ~~Subject to paragraph (5), to each state's~~  
2 ~~attorney in counties containing 20,000 or more but less~~  
3 ~~than 30,000 inhabitants, \$51,000 until December 31, 1988,~~  
4 ~~\$65,000 until June 30, 1994, and \$75,000 thereafter or as~~  
5 ~~set by the Compensation Review Board, whichever is greater.~~

6           (4) (Blank). ~~To each state's attorney in counties of~~  
7 ~~30,000 or more inhabitants, \$65,500 until December 31,~~  
8 ~~1988, \$80,000 until June 30, 1994, and \$96,837 thereafter~~  
9 ~~or as set by the Compensation Review Board, whichever is~~  
10 ~~greater.~~

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

19           To each State's attorney in counties with a population of  
20 less than 30,000 inhabitants, \$128,959, of which the counties  
21 shall pay \$16,998; and to each State's attorney in counties  
22 with a population of 30,000 or more inhabitants, \$166,508, of  
23 which the counties shall pay \$21,831.

24           The State shall furnish 66 2/3% of the total annual  
25 compensation to be paid to each state's attorney in Illinois  
26 based on the salary in effect on December 31, 1988, and 100% of

1 the increases in salary taking effect after December 31, 1988.

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

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

8 Within 90 days after the effective date of this amendatory  
9 Act of the 96th General Assembly, the county board of any  
10 county with a population between 15,000 and 50,000 by  
11 resolution or ordinance may increase the amount of compensation  
12 to be paid to each eligible state's attorney in their county in  
13 the form of a longevity stipend which shall be added to and  
14 become part of the salary of the state's attorney for that  
15 year. To be eligible, the state's attorney must have served in  
16 the elected position for at least 20 continuous years and elect  
17 to participate in a program for an alternative annuity for  
18 county officers and make the required additional optional  
19 contributions as authorized by P.A. 90-32.

20 (b) Effective December 1, 2000, no state's attorney may  
21 engage in the private practice of law. However, until November  
22 30, 2000, (i) the state's attorneys in counties containing  
23 fewer than 10,000 inhabitants may engage in the practice of  
24 law, and (ii) in any county between 10,000 and 30,000  
25 inhabitants or in any county containing 30,000 or more  
26 inhabitants which reached that population between 1970 and

1 December 31, 1981, the state's attorney may declare his or her  
2 intention to engage in the private practice of law, and may do  
3 so through no later than November 30, 2000, by filing a written  
4 declaration of intent to engage in the private practice of law  
5 with the county clerk. The declaration of intention shall be  
6 irrevocable during the remainder of the term of office. The  
7 declaration shall be filed with the county clerk within 30 days  
8 of certification of election or appointment, or within 60 days  
9 of March 15, 1989, whichever is later. In that event the annual  
10 salary of such state's attorney shall be as follows:

11 (1) In counties containing 10,000 or more inhabitants  
12 but less than 20,000 inhabitants, \$46,500 until December  
13 31, 1988, \$51,500 until June 30, 1994, and \$61,500  
14 thereafter or as set by the Compensation Review Board,  
15 whichever is greater. The State shall furnish 100% of the  
16 increases taking effect after December 31, 1988.

17 (2) In counties containing 20,000 or more inhabitants  
18 but less than 30,000 inhabitants, and in counties  
19 containing 30,000 or more inhabitants which reached said  
20 population between 1970 and December 31, 1981, \$51,500  
21 until December 31, 1988, \$56,000 until June 30, 1994, and  
22 \$65,000 thereafter or as set by the Compensation Review  
23 Board, whichever is greater. The State shall furnish 100%  
24 of the increases taking effect after December 31, 1988.

25 (c) In counties where a state mental health institution, as  
26 hereinafter defined, is located, one assistant state's

1 attorney shall receive for his services, payable monthly from  
2 the state treasury to the county in which he is appointed, the  
3 following:

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

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

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

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

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

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

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

26 (e) At the request of the county governing authority, in

1 counties where one or more state correctional institutions, as  
2 hereinafter defined, are located, one or more assistant state's  
3 attorneys shall receive for their services, provided that such  
4 services are performed in connection with the state  
5 correctional institution, payable monthly from the state  
6 treasury to the county in which they are appointed, the  
7 following:

8 (1) \$22,000 for each assistant state's attorney in  
9 counties with one or more State correctional institutions  
10 with a total average daily inmate population in excess of  
11 2,000, on the basis of 2 assistant state's attorneys when  
12 the total average daily inmate population exceeds 2,000 but  
13 is less than 4,000; and 3 assistant state's attorneys when  
14 such population exceeds 4,000; with reimbursement to be  
15 based on actual services rendered.

16 (2) \$15,000 per year for one assistant state's attorney  
17 in counties having one or more correctional institutions  
18 with a total average daily inmate population of between 750  
19 and 2,000 inmates, with reimbursement to be based on actual  
20 services rendered.

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

24 Upon application of the county governing authority and  
25 certification of the State's Attorney, the Director of  
26 Corrections may, in his discretion and subject to

1 appropriation, increase the amount of salary reimbursement  
2 to a county in the event special circumstances require the  
3 county to incur extraordinary salary expenditures as a  
4 result of services performed in connection with State  
5 correctional institutions in that county.

6 In determining whether or not to increase the amount of  
7 salary reimbursement, the Director shall consider, among other  
8 matters:

9 (1) the nature of the services rendered;

10 (2) the results or dispositions obtained;

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

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

20 (1) \$14,000 per year each for employment on a full time  
21 basis for 2 assistant state's attorneys in counties having  
22 a State university or State universities with combined full  
23 time enrollment of more than 15,000 students.

24 (2) \$7,200 per year for one assistant state's attorney  
25 with no limitation on other practice in counties having a  
26 State university or State universities with combined full

1 time enrollment of 10,000 to 15,000 students.

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

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

14 (g) For purposes of this Section, "State mental health  
15 institution" means any institution under the jurisdiction of  
16 the Department of Human Services that is listed in Section 4 of  
17 the Mental Health and Developmental Disabilities  
18 Administrative Act.

19 For purposes of this Section, "State correctional  
20 institution" means any facility of the Department of  
21 Corrections including adult facilities, juvenile facilities,  
22 pre-release centers, community correction centers, and work  
23 camps.

24 For purposes of this Section, "State university" means the  
25 University of Illinois, Southern Illinois University, Chicago  
26 State University, Eastern Illinois University, Governors State

1 University, Illinois State University, Northeastern Illinois  
2 University, Northern Illinois University, Western Illinois  
3 University, and any public community college which has  
4 established a program of interinstitutional cooperation with  
5 one of the foregoing institutions whereby a student, after  
6 earning an associate degree from the community college, pursues  
7 a course of study at the community college campus leading to a  
8 baccalaureate degree from the foregoing institution (also  
9 known as a "2 Plus 2" degree program).

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

20 When a county chooses to participate in the subsidy program  
21 described in this subsection (h), the number of assistant  
22 state's attorneys who are prosecuting alcohol-related traffic  
23 offenses must increase according to the subsidy provided in  
24 this subsection. These appointed assistant state's attorneys  
25 shall be in addition to any other assistant state's attorneys  
26 assigned to those cases on the effective date of this

1 amendatory Act of the 91st General Assembly, and may not  
2 replace those assistant state's attorneys. In counties where  
3 the state's attorney is the sole prosecutor, this subsidy shall  
4 be used to provide an assistant state's attorney to prosecute  
5 alcohol-related traffic offenses along with the state's  
6 attorney. In counties where the state's attorney is the sole  
7 prosecutor, and in counties where a judge presides over cases  
8 involving a variety of misdemeanors, including alcohol-related  
9 traffic matters, assistant state's attorneys appointed and  
10 subsidized by this subsection (h) may also prosecute the  
11 different misdemeanor cases at the direction of the state's  
12 attorney.

13 Assistant state's attorneys shall be appointed under this  
14 subsection in the following number and counties shall receive  
15 the following annual subsidies:

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

18 (2) In counties with 30,000 or more but fewer than  
19 100,000 inhabitants, one at \$45,000.

20 (3) In counties with 100,000 or more but fewer than  
21 300,000 inhabitants, 2 at \$45,000 each.

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

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

26 If in any year the amount appropriated for the purposes of

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

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

17 Section 99. Effective date. This Act takes effect upon  
18 becoming law.