

SB2872



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB2872

Introduced 2/17/2016, by Sen. John G. Mulroe

SYNOPSIS AS INTRODUCED:

730 ILCS 110/15

from Ch. 38, par. 204-7

Amends the Probation and Probation Officers Act. Provides that the Division of Probation Services shall establish training standards for continuing education of probation officers and supervisors and broaden access to available training programs. Effective immediately.

LRB099 19925 RLC 44324 b

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 Division shall establish training standards for
21 continuing education of probation officers and supervisors and
22 broaden access to available training programs.

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

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

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

20 (3) A Probation and Court Service Department shall apply to
21 the Supreme Court for funds for basic services, and may apply
22 for funds for new and expanded programs or Individualized
23 Services and Programs. Costs shall be reimbursed monthly based
24 on a plan and budget approved by the Supreme Court. No
25 Department may be reimbursed for costs which exceed or are not
26 provided for in the approved annual plan and budget. After the

1 effective date of this amendatory Act of 1985, each county must
2 provide basic services in accordance with the annual plan and
3 standards created by the division. No department may receive
4 funds for new or expanded programs or individualized services
5 and programs unless they are in compliance with standards as
6 enumerated in paragraph (h) of subsection (1) of this Section,
7 the annual plan, and standards for basic services.

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

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

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

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

1 capacity, staff/resident ratio, physical plant and
2 program.

3 (d) \$1,000 per month for salaries for the remaining
4 probation officer positions engaged in basic services and
5 new or expanded services. All such positions shall be
6 approved by the division in accordance with this Act and
7 division standards.

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

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

20 (5) The Division shall provide funds beginning on April 1,
21 1987 for the counties to provide Individualized Services and
22 Programs as provided in Section 16 of this Act.

23 (6) A Probation and Court Services Department in order to
24 be eligible for the reimbursement must submit to the Supreme
25 Court an application containing such information and in such a
26 form and by such dates as the Supreme Court may require.

1 Departments to be eligible for funding must satisfy the
2 following conditions:

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

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

26 (c) The Department shall be in compliance with

1 standards developed by the Supreme Court for basic, new and
2 expanded services, training, personnel hiring and
3 promotion.

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

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

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

17 (b) The probation officer, in order to be eligible for
18 State reimbursement, is receiving a salary of at least
19 \$17,000 per year.

20 (c) The probation officer is appointed or was
21 reappointed in accordance with minimum qualifications or
22 criteria established by the Supreme Court; however, all
23 probation officers appointed prior to January 1, 1978,
24 shall be exempted from the minimum requirements
25 established by the Supreme Court. Payments shall be made to
26 counties employing these exempted probation officers as

1 long as they are employed in the position held on the
2 effective date of this amendatory Act of 1985. Promotions
3 shall be governed by minimum qualifications established by
4 the Supreme Court.

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

16 (8) In order to obtain full reimbursement of all approved
17 costs, each Department must continue to employ at least the
18 same number of probation officers and probation managers as
19 were authorized for employment for the fiscal year which
20 includes January 1, 1985. This number shall be designated as
21 the base amount of the Department. No positions approved by the
22 Division under paragraph (b) of subsection 4 will be included
23 in the base amount. In the event that the Department employs
24 fewer Probation officers and Probation managers than the base
25 amount for a period of 90 days, funding received by the
26 Department under subsection 4 of this Section may be reduced on

1 a monthly basis by the amount of the current salaries of any
2 positions below the base amount.

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

22 (10) The county treasurer must certify that funds received
23 under this Section shall be used solely to maintain and improve
24 Probation and Court Services. The county or circuit shall
25 remain in compliance with all standards, policies and
26 regulations established by the Supreme Court. If at any time

1 the Supreme Court determines that a county or circuit is not in
2 compliance, the Supreme Court shall immediately notify the
3 Chief Judge, county board chairman and the Director of Court
4 Services Chief Probation Officer. If after 90 days of written
5 notice the noncompliance still exists, the Supreme Court shall
6 be required to reduce the amount of monthly reimbursement by
7 10%. An additional 10% reduction of monthly reimbursement shall
8 occur for each consecutive month of noncompliance. Except as
9 provided in subsection 5 of Section 15, funding to counties
10 shall commence on April 1, 1986. Funds received under this Act
11 shall be used to provide for Probation Department expenses
12 including those required under Section 13 of this Act. The
13 Mandatory Arbitration Fund may be used to provide for Probation
14 Department expenses, including those required under Section 13
15 of this Act.

16 (11) The respective counties shall be responsible for
17 capital and space costs, fringe benefits, clerical costs,
18 equipment, telecommunications, postage, commodities and
19 printing.

20 (12) For purposes of this Act only, probation officers
21 shall be considered peace officers. In the exercise of their
22 official duties, probation officers, sheriffs, and police
23 officers may, anywhere within the State, arrest any probationer
24 who is in violation of any of the conditions of his or her
25 probation, conditional discharge, or supervision, and it shall
26 be the duty of the officer making the arrest to take the

1 probationer before the Court having jurisdiction over the
2 probationer for further order.

3 (Source: P.A. 95-707, eff. 1-11-08; 95-773, eff. 1-1-09;
4 96-688, eff. 8-25-09.)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.