

1 AN ACT concerning counties.

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 Section 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 several state's
9 attorneys in the this State of Illinois, except the state's
10 attorney of Cook County, the following annual salary:

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

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

22 (3) Subject to paragraph (5), to each state's
23 attorney in counties containing 20,000 or more but less
24 than 30,000 inhabitants, \$51,000 until December 31, 1988,
25 \$65,000 until June 30, 1994, and \$75,000 thereafter or as
26 set by the Compensation Review Board, whichever is
27 greater.

28 (4) To each state's attorney in counties of 30,000
29 or more inhabitants, \$65,500 until December 31, 1988,
30 \$80,000 until June 30, 1994, and \$96,837 thereafter or as
31 set by the Compensation Review Board, whichever is

1 greater.

2 (5) Effective December 1, 2000, to each state's
3 attorney in counties containing fewer than 30,000
4 inhabitants, the same salary plus any cost of living
5 adjustments as authorized by the Compensation Review
6 Board to take effect after January 1, 1999, for state's
7 attorneys in counties containing 20,000 or more but fewer
8 than 30,000 inhabitants, or as set by the Compensation
9 Review Board whichever is greater.

10 The State shall furnish 66 2/3% of the total annual
11 compensation to be paid to each state's attorney in Illinois
12 based on the salary in effect on December 31, 1988, and 100%
13 of the increases in salary taking effect after December 31,
14 1988.

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

18 Each county shall be required to furnish 33 1/3% of the
19 total annual compensation to be paid to each state's attorney
20 in Illinois based on the salary in effect on December 31,
21 1988.

22 (b) Effective December 1, 2000, no state's attorney may
23 engage in the private practice of law. However, until
24 November 30, 2000, (i) the state's attorneys in counties
25 containing fewer than 10,000 inhabitants may engage in the
26 practice of law, and (ii) in any county between 10,000 and
27 30,000 inhabitants or in any county containing 30,000 or more
28 inhabitants which reached that population between 1970 and
29 December 31, 1981, the state's attorney may declare his or
30 her intention to engage in the private practice of law, and
31 may do so through no later than November 30, 2000, by filing
32 a written declaration of intent to engage in the private
33 practice of law with the county clerk. The declaration of
34 intention shall be irrevocable during the remainder of the

1 term of office. The declaration shall be filed with the
2 county clerk within 30 days of certification of election or
3 appointment, or within 60 days of March 15, 1989, whichever
4 is later. In that event the annual salary of such state's
5 attorney shall be as follows:

6 (1) In counties containing 10,000 or more
7 inhabitants but less than 20,000 inhabitants, \$46,500
8 until December 31, 1988, \$51,500 until June 30, 1994, and
9 \$61,500 thereafter or as set by the Compensation Review
10 Board, whichever is greater. The State shall furnish
11 100% of the increases taking effect after December 31,
12 1988.

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

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

27 (1) To each assistant state's attorney in counties
28 containing less than 10,000 inhabitants, the sum of
29 \$2,500 per annum;

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

33 (3) To each assistant state's attorney in counties
34 containing not less than 20,000 inhabitants and not more

1 than 30,000 inhabitants, the sum of \$4,000 per annum;

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

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

8 (6) To each assistant state's attorney in counties
9 containing not less than 70,000 inhabitants and not more
10 than 1,000,000 inhabitants, the sum of \$15,000 ~~\$6,000~~ per
11 annum.

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

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

24 (1) \$22,000 for each assistant state's attorney in
25 counties with one or more State correctional institutions
26 with a total average daily inmate population in excess of
27 2,000, on the basis of 2 assistant state's attorneys when
28 the total average daily inmate population exceeds 2,000
29 but is less than 4,000; and 3 assistant state's attorneys
30 when such population exceeds 4,000; with reimbursement to
31 be based on actual services rendered.

32 (2) \$15,000 per year for one assistant state's
33 attorney in counties having one or more correctional
34 institutions with a total average daily inmate population

1 of between 750 and 2,000 inmates, with reimbursement to
2 be based on actual services rendered.

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

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

16 In determining whether or not to increase the amount of
17 salary reimbursement, the Director shall consider, among
18 other matters:

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

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

- 30 (1) \$14,000 per year each for employment on a full
31 time basis for 2 assistant state's attorneys in counties
32 having a State university or State universities with
33 combined full time enrollment of more than 15,000
34 students.

1 (2) \$7,200 per year for one assistant state's
2 attorney with no limitation on other practice in counties
3 having a State university or State universities with
4 combined full time enrollment of 10,000 to 15,000
5 students.

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

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

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

25 For purposes of this Section, "State correctional
26 institution" means any facility of the Department of
27 Corrections including adult facilities, juvenile facilities,
28 pre-release centers, community correction centers, and work
29 camps.

30 For purposes of this Section, "State university" means
31 the University of Illinois, Southern Illinois University,
32 Chicago State University, Eastern Illinois University,
33 Governors State University, Illinois State University,
34 Northeastern Illinois University, Northern Illinois

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

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

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

1 matters, assistant state's attorneys appointed and subsidized
2 by this subsection (h) may also prosecute the different
3 misdemeanor cases at the direction of the state's 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,
8 one 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
14 300,000 or more inhabitants, 4 at \$50,000 each.

15 If in any year the amount appropriated for the purposes
16 of this subsection (h) is insufficient to pay all of the
17 subsidies specified in this subsection, the amount
18 appropriated shall be prorated among the counties choosing to
19 participate.

20 (Source: P.A. 90-14, eff. 7-1-97; 90-375, eff. 8-14-97;
21 91-273, eff. 1-1-00; 91-440, eff. 8-6-99; 91-704, eff.
22 7-1-00.)