

1 AN ACT concerning county officers.

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 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
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 \$6,000 per annum.

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

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

23 (1) \$22,000 for each assistant state's attorney in
24 counties with one or more State correctional institutions
25 with a total average daily inmate population in excess of
26 2,000, on the basis of 2 assistant state's attorneys when
27 the total average daily inmate population exceeds 2,000
28 but is less than 4,000; and 3 assistant state's attorneys
29 when such population exceeds 4,000; with reimbursement to
30 be based on actual services rendered.

31 (2) \$15,000 per year for one assistant state's
32 attorney in counties having one or more correctional
33 institutions with a total average daily inmate population
34 of between 750 and 2,000 inmates, with reimbursement to

1 be based on actual services rendered.

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

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

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

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

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

- 29 (1) \$14,000 per year each for employment on a full
30 time basis for 2 assistant state's attorneys in counties
31 having a State university or State universities with
32 combined full time enrollment of more than 15,000
33 students.

- 34 (2) \$7,200 per year for one assistant state's

1 attorney with no limitation on other practice in counties
2 having a State university or State universities with
3 combined full time enrollment of 10,000 to 15,000
4 students.

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

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

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

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

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

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

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

18 If in any year the amount appropriated for the purposes
19 of this subsection (h) is insufficient to pay all of the
20 subsidies specified in this subsection, the amount
21 appropriated shall first be prorated by the population
22 classifications of this subsection (h) and then among the
23 counties choosing to participate within each of those
24 classifications. If any of the appropriated moneys for each
25 population classification remain at the end of a fiscal year,
26 the remainder of the moneys may be allocated to participating
27 counties that were not fully funded during the course of the
28 year. Nothing in this subsection prohibits 2 or more State's
29 attorneys from combining their subsidies to appoint a joint
30 assistant State's attorney to prosecute alcohol-related
31 traffic offenses in multiple counties. Nothing in this
32 subsection prohibits a State's attorney from appointing an
33 assistant State's attorney by contract or otherwise.

34 (Source: P.A. 90-14, eff. 7-1-97; 90-375, eff. 8-14-97;

1 91-273, eff. 1-1-00; 91-440, eff. 8-6-99; 91-704, eff.
2 7-1-00.)

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.