

AN ACT concerning local government.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Counties Code is amended by changing Section 4-2001 as follows:

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

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

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

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

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

(3) Subject to paragraph (5), to each state's attorney in counties containing 20,000 or more but less than 30,000 inhabitants, \$51,000 until December 31, 1988, \$65,000

until June 30, 1994, and \$75,000 thereafter or as set by the Compensation Review Board, whichever is greater.

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

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

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

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

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

Within 90 days after the effective date of this amendatory Act of the 96th General Assembly, the county board of any

county with a population between 15,000 and 50,000 by resolution or ordinance may increase the amount of compensation to be paid to each eligible state's attorney in their county in the form of a longevity stipend which shall be added to and become part of the salary of the state's attorney for that year. To be eligible, the state's attorney must have served in the elected position for at least 20 continuous years and elect to participate in a program for an alternative annuity for county officers and make the required additional optional contributions as authorized by P.A. 90-32.

(b) Effective December 1, 2000, no state's attorney may engage in the private practice of law. However, until November 30, 2000, (i) the state's attorneys in counties containing fewer than 10,000 inhabitants may engage in the practice of law, and (ii) in any county between 10,000 and 30,000 inhabitants or in any county containing 30,000 or more inhabitants which reached that population between 1970 and December 31, 1981, the state's attorney may declare his or her intention to engage in the private practice of law, and may do so through no later than November 30, 2000, by filing a written declaration of intent to engage in the private practice of law with the county clerk. The declaration of intention shall be irrevocable during the remainder of the term of office. The declaration shall be filed with the county clerk within 30 days of certification of election or appointment, or within 60 days of March 15, 1989, whichever is later. In that event the annual

salary of such state's attorney shall be as follows:

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

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

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

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

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

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

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

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

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

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

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

(1) \$22,000 for each assistant state's attorney in counties with one or more State correctional institutions

with a total average daily inmate population in excess of 2,000, on the basis of 2 assistant state's attorneys when the total average daily inmate population exceeds 2,000 but is less than 4,000; and 3 assistant state's attorneys when such population exceeds 4,000; with reimbursement to be based on actual services rendered.

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

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

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

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

- (1) the nature of the services rendered;

(2) the results or dispositions obtained;

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

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

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

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

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

Such salaries shall be paid to the state's attorney and the assistant state's attorney in equal monthly installments by such county out of the county treasury provided that the State of Illinois shall reimburse each county monthly from the state

treasury the amount of such salary. This Section shall not prevent the payment of such additional compensation to the state's attorney or assistant state's attorney of any county, out of the treasury of that county as may be provided by law.

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

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

For purposes of this Section, "State university" means the University of Illinois, Southern Illinois University, Chicago State University, Eastern Illinois University, Governors State University, Illinois State University, Northeastern Illinois University, Northern Illinois University, Western Illinois University, and any public community college which has established a program of interinstitutional cooperation with one of the foregoing institutions whereby a student, after earning an associate degree from the community college, pursues a course of study at the community college campus leading to a baccalaureate degree from the foregoing institution (also known as a "2 Plus 2" degree program).

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

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

subsidized by this subsection (h) may also prosecute the different misdemeanor cases at the direction of the state's attorney.

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

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

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

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

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

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

If in any year the amount appropriated for the purposes of this subsection (h) is insufficient to pay all of the subsidies specified in this subsection, the amount appropriated shall first be prorated by the population classifications of this subsection (h) and then among the counties choosing to participate within each of those classifications. If any of the appropriated moneys for each population classification remain at the end of a fiscal year, the remainder of the moneys may be allocated to participating counties that were not fully funded during the course of the year. Nothing in this subsection

prohibits 2 or more State's attorneys from combining their subsidies to appoint a joint assistant State's attorney to prosecute alcohol-related traffic offenses in multiple counties. Nothing in this subsection prohibits a State's attorney from appointing an assistant State's attorney by contract or otherwise.

(Source: P.A. 91-273, eff. 1-1-00; 91-440, eff. 8-6-99; 91-704, eff. 7-1-00; 92-309, eff. 8-9-01.)

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