

# HB1204



## 100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB1204

by Rep. Michael J. Madigan

### SYNOPSIS AS INTRODUCED:

55 ILCS 5/4-2001

from Ch. 34, par. 4-2001

Amends the Counties Code. Makes a technical change in a Section concerning state's attorney salaries.

LRB100 02367 AWJ 12372 b

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 Section  
5 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 ~~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 attorney  
12 in counties containing less than 10,000 inhabitants,  
13 \$40,500 until December 31, 1988, \$45,500 until June 30,  
14 1994, and \$55,500 thereafter or as set by the Compensation  
15 Review Board, whichever is greater.

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

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

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

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

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

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

19          Subject to appropriation, said amounts furnished by the  
20          State shall be payable monthly by the Department of Revenue out  
21          of the Personal Property Tax Replacement Fund or the General  
22          Revenue Fund to the county in which each state's attorney is  
23          elected.

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

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

13           (b) Effective December 1, 2000, no state's attorney may  
14 engage in the private practice of law. However, until November  
15 30, 2000, (i) the state's attorneys in counties containing  
16 fewer than 10,000 inhabitants may engage in the practice of  
17 law, and (ii) in any county between 10,000 and 30,000  
18 inhabitants or in any county containing 30,000 or more  
19 inhabitants which reached that population between 1970 and  
20 December 31, 1981, the state's attorney may declare his or her  
21 intention to engage in the private practice of law, and may do  
22 so through no later than November 30, 2000, by filing a written  
23 declaration of intent to engage in the private practice of law  
24 with the county clerk. The declaration of intention shall be  
25 irrevocable during the remainder of the term of office. The  
26 declaration shall be filed with the county clerk within 30 days

1 of certification of election or appointment, or within 60 days  
2 of March 15, 1989, whichever is later. In that event the annual  
3 salary of such state's attorney shall be as follows:

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

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

18 (c) In counties where a state mental health institution, as  
19 hereinafter defined, is located, one assistant state's  
20 attorney shall, subject to appropriation, receive for his  
21 services, payable monthly by the Department of Revenue out of  
22 the Personal Property Tax Replacement Fund or the General  
23 Revenue Fund to the county in which he is appointed, the  
24 following:

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

1 per annum;

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

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

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

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

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

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

21 (e) At the request of the county governing authority, in  
22 counties where one or more state correctional institutions, as  
23 hereinafter defined, are located, one or more assistant state's  
24 attorneys shall, subject to appropriation, receive for their  
25 services, provided that such services are performed in  
26 connection with the state correctional institution, payable

1 monthly by the Department of Revenue out of the Personal  
2 Property Tax Replacement Fund or the General Revenue Fund to  
3 the county in which they are appointed, the following:

4 (1) \$22,000 for each assistant state's attorney in  
5 counties with one or more State correctional institutions  
6 with a total average daily inmate population in excess of  
7 2,000, on the basis of 2 assistant state's attorneys when  
8 the total average daily inmate population exceeds 2,000 but  
9 is less than 4,000; and 3 assistant state's attorneys when  
10 such population exceeds 4,000; with reimbursement to be  
11 based on actual services rendered.

12 (2) \$15,000 per year for one assistant state's attorney  
13 in counties having one or more correctional institutions  
14 with a total average daily inmate population of between 750  
15 and 2,000 inmates, with reimbursement to be based on actual  
16 services rendered.

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

20 Upon application of the county governing authority and  
21 certification of the State's Attorney, the Director of  
22 Corrections may, in his discretion and subject to  
23 appropriation, increase the amount of salary reimbursement  
24 to a county in the event special circumstances require the  
25 county to incur extraordinary salary expenditures as a  
26 result of services performed in connection with State

1 correctional institutions in that county.

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

5 (1) the nature of the services rendered;

6 (2) the results or dispositions obtained;

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

11 (f) In counties where a State senior institution of higher  
12 education is located, the assistant state's attorneys  
13 specified by this Section shall, subject to appropriation,  
14 receive for their services, payable monthly by the Department  
15 of Revenue out of the Personal Property Tax Replacement Fund or  
16 the General Revenue Fund to the county in which appointed, the  
17 following:

18 (1) \$14,000 per year each for employment on a full time  
19 basis for 2 assistant state's attorneys in counties having  
20 a State university or State universities with combined full  
21 time enrollment of more than 15,000 students.

22 (2) \$7,200 per year for one assistant state's attorney  
23 with no limitation on other practice in counties having a  
24 State university or State universities with combined full  
25 time enrollment of 10,000 to 15,000 students.

26 (3) \$4,000 per year for one assistant state's attorney

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

4 Such salaries shall be paid to the state's attorney and the  
5 assistant state's attorney in equal monthly installments by  
6 such county out of the county treasury provided that, subject  
7 to appropriation, the Department of Revenue shall reimburse  
8 each county monthly, out of the Personal Property Tax  
9 Replacement Fund or the General Revenue Fund, the amount of  
10 such salary. This Section shall not prevent the payment of such  
11 additional compensation to the state's attorney or assistant  
12 state's attorney of any county, out of the treasury of that  
13 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 Department of Revenue out of the Personal  
17 Property Tax Replacement Fund or the General Revenue Fund for  
18 that purpose. The amounts of subsidies provided by this  
19 subsection shall be adjusted for inflation each July 1 using  
20 the Consumer Price Index of the Bureau of Labor Statistics of  
21 the U.S. Department of Labor.

22 When a county chooses to participate in the subsidy program  
23 described in this subsection (h), the number of assistant  
24 state's attorneys who are prosecuting alcohol-related traffic  
25 offenses must increase according to the subsidy provided in  
26 this subsection. These appointed assistant state's attorneys

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

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

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

20 (2) In counties with 30,000 or more but fewer than  
21 100,000 inhabitants, one at \$45,000.

22 (3) In counties with 100,000 or more but fewer than  
23 300,000 inhabitants, 2 at \$45,000 each.

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

26 The amounts appropriated under this Section must be

1 segregated by population classification and disbursed monthly.

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

18 (Source: P.A. 96-259, eff. 8-11-09; 97-72, eff. 7-1-11.)