



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB0712

Introduced 2/8/2007, by Sen. Randall "Randy" M. Hultgren

SYNOPSIS AS INTRODUCED:

730 ILCS 110/12

from Ch. 38, par. 204-4

Amends the Probation and Probation Officers Act. Requires a probation officer to release information about a defendant who is serving or has served a sentence of probation or is being investigated for eligibility for probation or about the defendant's immediate family members to law enforcement agencies that are investigating the commission of a crime or crimes or conduct related to criminal activities when the safety of the public is at risk or when the probation officer or information in the records kept by the probation officer is able to assist in the apprehension of the defendant. Provides that law enforcement agencies are entitled to only specified identifying information and may only use the information for law enforcement purposes.

LRB095 04836 RLC 24897 b

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 12 as follows:

6 (730 ILCS 110/12) (from Ch. 38, par. 204-4)

7 Sec. 12. The duties of probation officers shall be:

8 (1) To investigate as required by Section 5-3-1 of the
9 "Unified Code of Corrections", approved July 26, 1972, as
10 amended, the case of any person to be placed on probation. Full
11 opportunity shall be afforded a probation officer to confer
12 with the person under investigation when such person is in
13 custody.

14 (2) To notify the court of any previous conviction for
15 crime or previous probation of any defendant invoking the
16 provisions of this Act.

17 (3) All reports and notifications required in this Act to
18 be made by probation officers shall be in writing and shall be
19 filed by the clerk in the respective cases.

20 (4) To preserve complete and accurate records of cases
21 investigated, including a description of the person
22 investigated, the action of the court with respect to his case
23 and his probation, the subsequent history of such person, if he

1 becomes a probationer, during the continuance of his probation,
2 which records shall be open to inspection by any judge or by
3 any probation officer pursuant to order of court, but shall not
4 be a public record, and its contents shall not be divulged
5 otherwise than as above provided, except upon order of court.

6 (5) To take charge of and watch over all persons placed on
7 probation under such regulations and for such terms as may be
8 prescribed by the court, and giving to each probationer full
9 instructions as to the terms of his release upon probation and
10 requiring from him such periodical reports as shall keep the
11 officer informed as to his conduct.

12 (6) To develop and operate programs of reasonable public or
13 community service for any persons ordered by the court to
14 perform public or community service, providing, however, that
15 no probation officer or any employee of a probation office
16 acting in the course of his official duties shall be liable for
17 any tortious acts of any person performing public or community
18 service except for wilful misconduct or gross negligence on the
19 part of the probation officer or employee.

20 (7) When any person on probation removes from the county
21 where his offense was committed, it shall be the duty of the
22 officer under whose care he was placed to report the facts to
23 the probation officer in the county to which the probationer
24 has removed; and it shall thereupon become the duty of such
25 probation officer to take charge of and watch over said
26 probationer the same as if the case originated in that county;

1 and for that purpose he shall have the same power and authority
2 over said probationer as if he had been originally placed in
3 said officer's charge; and such officer shall be required to
4 report in writing every 6 months, or more frequently upon
5 request the results of his supervision to the probation officer
6 in whose charge the said probationer was originally placed by
7 the court.

8 (8) To authorize travel permits to individuals under their
9 supervision unless otherwise ordered by the court.

10 (9) To perform such other duties as are provided for in
11 this act or by rules of court and such incidental duties as may
12 be implied from those expressly required.

13 (10) To send written notification to a public housing
14 agency if a person on probation for a felony who is under the
15 supervision of the probation officer informs the probation
16 officer that he or she has resided, resides, or will reside at
17 an address that is a housing facility owned, managed, operated,
18 or leased by that public housing agency.

19 (11) If a person on probation for a felony offense who is
20 under the supervision of the probation officer becomes a
21 resident of a facility licensed or regulated by the Department
22 of Public Health, the Illinois Department of Public Aid, or
23 Illinois Department of Human Services, the probation officer
24 shall within 3 days of the person becoming a resident, notify
25 the licensing or regulating Department and licensed or
26 regulated facility and shall provide the licensed or regulated

1 facility and licensing or regulating Department with copies of
2 the following:

3 (a) (blank);

4 (b) any applicable probation orders and corresponding
5 compliance plans;

6 (c) the name and contact information for the assigned
7 probation officer.

8 (12) To release information about a defendant to law
9 enforcement agencies that are investigating the commission of a
10 crime or crimes or conduct related to criminal activities when
11 the safety of the public is at risk or when the probation
12 officer or information in the records kept by the probation
13 officer is able to assist in the apprehension of the defendant.
14 This includes information about a defendant who is serving a
15 sentence of probation, whether the sentence originated in that
16 county or jurisdiction over that defendant or was transferred
17 from another county or whether the defendant is being
18 investigated to determine his or her eligibility for a sentence
19 of probation. This also includes information about defendants
20 who served and completed a sentence of probation. Law
21 enforcement agencies are entitled to only identifying
22 information, such as photographs, tattoos, identifying marks
23 or characteristics, residential, e-mail, school, or employment
24 addresses, or phone or pager numbers. Law enforcement agencies
25 are entitled to similar information about a probationer's
26 immediate family members. This information shall be used

1 exclusively for law enforcement purposes.

2 (Source: P.A. 94-163, eff. 7-11-05; 94-752, eff. 5-10-06.)