



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**  
**HB7317**

Introduced 7/22/2004, by Rep. Bill Mitchell

**SYNOPSIS AS INTRODUCED:**

730 ILCS 110/9c new  
730 ILCS 110/15

from Ch. 38, par. 204-7

Amends the Probation and Probation Officers Act. Prohibits a person from serving as a probation officer who has been convicted of: (1) a felony violent crime; (2) a felony violation of the Illinois Controlled Substances Act; (3) a felony violation of the Cannabis Control Act; or (4) a similar felony violation of any other jurisdiction.

LRB093 15103 RLC 48602 b

1 AN ACT concerning probation officers.

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 15 and by adding Section 9c as  
6 follows:

7 (730 ILCS 110/9c new)

8 Sec. 9c. Probation officers; ineligibility. A person is  
9 ineligible to be appointed as a probation officer who has been  
10 convicted of: (1) a felony that is defined as a violent crime  
11 in Section 3 of the Rights of Crime Victims and Witnesses Act;  
12 (2) a felony violation of the Illinois Controlled Substances  
13 Act; (3) a felony violation of the Cannabis Control Act; or (4)  
14 any similar felony violation of any other jurisdiction.

15 (730 ILCS 110/15) (from Ch. 38, par. 204-7)

16 Sec. 15. (1) The Supreme Court of Illinois may establish a  
17 Division of Probation Services whose purpose shall be the  
18 development, establishment, promulgation, and enforcement of  
19 uniform standards for probation services in this State, and to  
20 otherwise carry out the intent of this Act. The Division may:

21 (a) establish qualifications for chief probation  
22 officers and other probation and court services personnel  
23 as to hiring, promotion, and training. The qualifications  
24 for the chief probation officer and other probation  
25 officers established under this Section are subject to  
26 Section 9c of this Act.

27 (b) make available, on a timely basis, lists of those  
28 applicants whose qualifications meet the regulations  
29 referred to herein, including on said lists all candidates  
30 found qualified.

31 (c) establish a means of verifying the conditions for

1 reimbursement under this Act and develop criteria for  
2 approved costs for reimbursement.

3 (d) develop standards and approve employee  
4 compensation schedules for probation and court services  
5 departments.

6 (e) employ sufficient personnel in the Division to  
7 carry out the functions of the Division.

8 (f) establish a system of training and establish  
9 standards for personnel orientation and training.

10 (g) develop standards for a system of record keeping  
11 for cases and programs, gather statistics, establish a  
12 system of uniform forms, and develop research for planning  
13 of Probation Services.

14 (h) develop standards to assure adequate support  
15 personnel, office space, equipment and supplies, travel  
16 expenses, and other essential items necessary for  
17 Probation and Court Services Departments to carry out their  
18 duties.

19 (i) review and approve annual plans submitted by  
20 Probation and Court Services Departments.

21 (j) monitor and evaluate all programs operated by  
22 Probation and Court Services Departments, and may include  
23 in the program evaluation criteria such factors as the  
24 percentage of Probation sentences for felons convicted of  
25 Probationable offenses.

26 (k) seek the cooperation of local and State government  
27 and private agencies to improve the quality of probation  
28 and court services.

29 (l) where appropriate, establish programs and  
30 corresponding standards designed to generally improve the  
31 quality of probation and court services and reduce the rate  
32 of adult or juvenile offenders committed to the Department  
33 of Corrections.

34 (m) establish such other standards and regulations and  
35 do all acts necessary to carry out the intent and purposes  
36 of this Act.

1           The Division shall establish a model list of structured  
2 intermediate sanctions that may be imposed by a probation  
3 agency for violations of terms and conditions of a sentence of  
4 probation, conditional discharge, or supervision.

5           The State of Illinois shall provide for the costs of  
6 personnel, travel, equipment, telecommunications, postage,  
7 commodities, printing, space, contractual services and other  
8 related costs necessary to carry out the intent of this Act.

9           (2) (a) The chief judge of each circuit shall provide  
10 full-time probation services for all counties within the  
11 circuit, in a manner consistent with the annual probation plan,  
12 the standards, policies, and regulations established by the  
13 Supreme Court. A probation district of two or more counties  
14 within a circuit may be created for the purposes of providing  
15 full-time probation services. Every county or group of counties  
16 within a circuit shall maintain a probation department which  
17 shall be under the authority of the Chief Judge of the circuit  
18 or some other judge designated by the Chief Judge. The Chief  
19 Judge, through the Probation and Court Services Department  
20 shall submit annual plans to the Division for probation and  
21 related services.

22           (b) The Chief Judge of each circuit shall appoint the Chief  
23 Probation Officer and all other probation officers for his or  
24 her circuit from lists of qualified applicants supplied by the  
25 Supreme Court. Candidates for chief managing officer and other  
26 probation officer positions must apply with both the Chief  
27 Judge of the circuit and the Supreme Court.

28           (3) A Probation and Court Service Department shall apply to  
29 the Supreme Court for funds for basic services, and may apply  
30 for funds for new and expanded programs or Individualized  
31 Services and Programs. Costs shall be reimbursed monthly based  
32 on a plan and budget approved by the Supreme Court. No  
33 Department may be reimbursed for costs which exceed or are not  
34 provided for in the approved annual plan and budget. After the  
35 effective date of this amendatory Act of 1985, each county must  
36 provide basic services in accordance with the annual plan and

1 standards created by the division. No department may receive  
2 funds for new or expanded programs or individualized services  
3 and programs unless they are in compliance with standards as  
4 enumerated in paragraph (h) of subsection (1) of this Section,  
5 the annual plan, and standards for basic services.

6 (4) The Division shall reimburse the county or counties for  
7 probation services as follows:

8 (a) 100% of the salary of all chief managing officers  
9 designated as such by the Chief Judge and the division.

10 (b) 100% of the salary for all probation officer and  
11 supervisor positions approved for reimbursement by the  
12 division after April 1, 1984, to meet workload standards  
13 and to implement intensive sanction and probation  
14 supervision programs and other basic services as defined in  
15 this Act.

16 (c) 100% of the salary for all secure detention  
17 personnel and non-secure group home personnel approved for  
18 reimbursement after December 1, 1990. For all such  
19 positions approved for reimbursement before December 1,  
20 1990, the counties shall be reimbursed \$1,250 per month  
21 beginning July 1, 1995, and an additional \$250 per month  
22 beginning each July 1st thereafter until the positions  
23 receive 100% salary reimbursement. Allocation of such  
24 positions will be based on comparative need considering  
25 capacity, staff/resident ratio, physical plant and  
26 program.

27 (d) \$1,000 per month for salaries for the remaining  
28 probation officer positions engaged in basic services and  
29 new or expanded services. All such positions shall be  
30 approved by the division in accordance with this Act and  
31 division standards.

32 (e) 100% of the travel expenses in accordance with  
33 Division standards for all Probation positions approved  
34 under paragraph (b) of subsection 4 of this Section.

35 (f) If the amount of funds reimbursed to the county  
36 under paragraphs (a) through (e) of subsection 4 of this

1 Section on an annual basis is less than the amount the  
2 county had received during the 12 month period immediately  
3 prior to the effective date of this amendatory Act of 1985,  
4 then the Division shall reimburse the amount of the  
5 difference to the county. The effect of paragraph (b) of  
6 subsection 7 of this Section shall be considered in  
7 implementing this supplemental reimbursement provision.

8 (5) The Division shall provide funds beginning on April 1,  
9 1987 for the counties to provide Individualized Services and  
10 Programs as provided in Section 16 of this Act.

11 (6) A Probation and Court Services Department in order to  
12 be eligible for the reimbursement must submit to the Supreme  
13 Court an application containing such information and in such a  
14 form and by such dates as the Supreme Court may require.  
15 Departments to be eligible for funding must satisfy the  
16 following conditions:

17 (a) The Department shall have on file with the Supreme  
18 Court an annual Probation plan for continuing, improved,  
19 and new Probation and Court Services Programs approved by  
20 the Supreme Court or its designee. This plan shall indicate  
21 the manner in which Probation and Court Services will be  
22 delivered and improved, consistent with the minimum  
23 standards and regulations for Probation and Court  
24 Services, as established by the Supreme Court. In counties  
25 with more than one Probation and Court Services Department  
26 eligible to receive funds, all Departments within that  
27 county must submit plans which are approved by the Supreme  
28 Court.

29 (b) The annual probation plan shall seek to generally  
30 improve the quality of probation services and to reduce the  
31 commitment of adult and juvenile offenders to the  
32 Department of Corrections and shall require, when  
33 appropriate, coordination with the Department of  
34 Corrections and the Department of Children and Family  
35 Services in the development and use of community resources,  
36 information systems, case review and permanency planning

1 systems to avoid the duplication of services.

2 (c) The Department shall be in compliance with  
3 standards developed by the Supreme Court for basic, new and  
4 expanded services, training, personnel hiring and  
5 promotion.

6 (d) The Department shall in its annual plan indicate  
7 the manner in which it will support the rights of crime  
8 victims and in which manner it will implement Article I,  
9 Section 8.1 of the Illinois Constitution and in what manner  
10 it will coordinate crime victims' support services with  
11 other criminal justice agencies within its jurisdiction,  
12 including but not limited to, the State's Attorney, the  
13 Sheriff and any municipal police department.

14 (7) No statement shall be verified by the Supreme Court or  
15 its designee or vouchered by the Comptroller unless each of the  
16 following conditions have been met:

17 (a) The probation officer is a full-time employee  
18 appointed by the Chief Judge to provide probation services.

19 (b) The probation officer, in order to be eligible for  
20 State reimbursement, is receiving a salary of at least  
21 \$17,000 per year.

22 (c) The probation officer is appointed or was  
23 reappointed in accordance with minimum qualifications or  
24 criteria established by the Supreme Court; however, all  
25 probation officers appointed prior to January 1, 1978,  
26 shall be exempted from the minimum requirements  
27 established by the Supreme Court. Payments shall be made to  
28 counties employing these exempted probation officers as  
29 long as they are employed in the position held on the  
30 effective date of this amendatory Act of 1985. Promotions  
31 shall be governed by minimum qualifications established by  
32 the Supreme Court.

33 (d) The Department has an established compensation  
34 schedule approved by the Supreme Court. The compensation  
35 schedule shall include salary ranges with necessary  
36 increments to compensate each employee. The increments

1 shall, within the salary ranges, be based on such factors  
2 as bona fide occupational qualifications, performance, and  
3 length of service. Each position in the Department shall be  
4 placed on the compensation schedule according to job duties  
5 and responsibilities of such position. The policy and  
6 procedures of the compensation schedule shall be made  
7 available to each employee.

8 (8) In order to obtain full reimbursement of all approved  
9 costs, each Department must continue to employ at least the  
10 same number of probation officers and probation managers as  
11 were authorized for employment for the fiscal year which  
12 includes January 1, 1985. This number shall be designated as  
13 the base amount of the Department. No positions approved by the  
14 Division under paragraph (b) of subsection 4 will be included  
15 in the base amount. In the event that the Department employs  
16 fewer Probation officers and Probation managers than the base  
17 amount for a period of 90 days, funding received by the  
18 Department under subsection 4 of this Section may be reduced on  
19 a monthly basis by the amount of the current salaries of any  
20 positions below the base amount.

21 (9) Before the 15th day of each month, the treasurer of any  
22 county which has a Probation and Court Services Department, or  
23 the treasurer of the most populous county, in the case of a  
24 Probation or Court Services Department funded by more than one  
25 county, shall submit an itemized statement of all approved  
26 costs incurred in the delivery of Basic Probation and Court  
27 Services under this Act to the Supreme Court. The treasurer may  
28 also submit an itemized statement of all approved costs  
29 incurred in the delivery of new and expanded Probation and  
30 Court Services as well as Individualized Services and Programs.  
31 The Supreme Court or its designee shall verify compliance with  
32 this Section and shall examine and audit the monthly statement  
33 and, upon finding them to be correct, shall forward them to the  
34 Comptroller for payment to the county treasurer. In the case of  
35 payment to a treasurer of a county which is the most populous  
36 of counties sharing the salary and expenses of a Probation and



1 Court Services Department, the treasurer shall divide the money  
2 between the counties in a manner that reflects each county's  
3 share of the cost incurred by the Department.

4 (10) The county treasurer must certify that funds received  
5 under this Section shall be used solely to maintain and improve  
6 Probation and Court Services. The county or circuit shall  
7 remain in compliance with all standards, policies and  
8 regulations established by the Supreme Court. If at any time  
9 the Supreme Court determines that a county or circuit is not in  
10 compliance, the Supreme Court shall immediately notify the  
11 Chief Judge, county board chairman and the Director of Court  
12 Services Chief Probation Officer. If after 90 days of written  
13 notice the noncompliance still exists, the Supreme Court shall  
14 be required to reduce the amount of monthly reimbursement by  
15 10%. An additional 10% reduction of monthly reimbursement shall  
16 occur for each consecutive month of noncompliance. Except as  
17 provided in subsection 5 of Section 15, funding to counties  
18 shall commence on April 1, 1986. Funds received under this Act  
19 shall be used to provide for Probation Department expenses  
20 including those required under Section 13 of this Act. For  
21 State fiscal year 2004 only, the Mandatory Arbitration Fund may  
22 be used to provide for Probation Department expenses, including  
23 those required under Section 13 of this Act.

24 (11) The respective counties shall be responsible for  
25 capital and space costs, fringe benefits, clerical costs,  
26 equipment, telecommunications, postage, commodities and  
27 printing.

28 (12) For purposes of this Act only, probation officers  
29 shall be considered peace officers. In the exercise of their  
30 official duties, probation officers, sheriffs, and police  
31 officers may, anywhere within the State, arrest any probationer  
32 who is in violation of any of the conditions of his or her  
33 probation, conditional discharge, or supervision, and it shall  
34 be the duty of the officer making the arrest to take the  
35 probationer before the Court having jurisdiction over the  
36 probationer for further order.

1 (Source: P.A. 93-25, eff. 6-20-03; 93-576, eff. 1-1-04; revised  
2 9-23-03.)