



Sen. Donne E. Trotter

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LRB099 18260 SLF 51552 a

1 AMENDMENT TO HOUSE BILL 5619

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5619 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Juvenile Court Act of 1987 is amended by  
5 changing Sections 5-410 and 5-415 and by adding Section 5-420  
6 as follows:

7 (705 ILCS 405/5-410)

8 Sec. 5-410. Non-secure custody or detention.

9 (1) Any minor arrested or taken into custody pursuant to  
10 this Act who requires care away from his or her home but who  
11 does not require physical restriction shall be given temporary  
12 care in a foster family home or other shelter facility  
13 designated by the court.

14 (2) (a) Any minor 10 years of age or older arrested  
15 pursuant to this Act where there is probable cause to believe  
16 that the minor is a delinquent minor and that (i) secured

1 custody is a matter of immediate and urgent necessity for the  
2 protection of the minor or of the person or property of  
3 another, (ii) the minor is likely to flee the jurisdiction of  
4 the court, or (iii) the minor was taken into custody under a  
5 warrant, may be kept or detained in an authorized detention  
6 facility. A minor under 13 years of age shall not be admitted,  
7 kept, or detained in a detention facility unless a local youth  
8 service provider, including a provider through the  
9 Comprehensive Community Based Youth Services network, has been  
10 contacted and has not been able to accept the minor. No minor  
11 under 12 years of age shall be detained in a county jail or a  
12 municipal lockup for more than 6 hours.

13 (b) The written authorization of the probation officer or  
14 detention officer (or other public officer designated by the  
15 court in a county having 3,000,000 or more inhabitants)  
16 constitutes authority for the superintendent of any juvenile  
17 detention home to detain and keep a minor for up to 48 ~~40~~  
18 hours, ~~excluding Saturdays, Sundays and court designated~~  
19 ~~holidays~~. These records shall be available to the same persons  
20 and pursuant to the same conditions as are law enforcement  
21 records as provided in Section 5-905.

22 (b-4) The consultation required by subsection (b-5) shall  
23 not be applicable if the probation officer or detention officer  
24 (or other public officer designated by the court in a county  
25 having 3,000,000 or more inhabitants) utilizes a scorable  
26 detention screening instrument, which has been developed with

1 input by the State's Attorney, to determine whether a minor  
2 should be detained, however, subsection (b-5) shall still be  
3 applicable where no such screening instrument is used or where  
4 the probation officer, detention officer (or other public  
5 officer designated by the court in a county having 3,000,000 or  
6 more inhabitants) deviates from the screening instrument.

7 On and after January 1, 2019, a detention screening  
8 instrument shall be used for referrals to all authorized  
9 juvenile detention facilities in this State prior to a judicial  
10 hearing. The detention screening instrument shall be developed  
11 and validated by the Probation Division of the Administrative  
12 Office of the Illinois Courts, as provided in Section 15 of the  
13 Probation and Probation Officers Act, and subject to approval  
14 by the Chief Judge of each Circuit.

15 (b-5) Subject to the provisions of subsection (b-4), if a  
16 probation officer or detention officer (or other public officer  
17 designated by the court in a county having 3,000,000 or more  
18 inhabitants) does not intend to detain a minor for an offense  
19 which constitutes one of the following offenses he or she shall  
20 consult with the State's Attorney's Office prior to the release  
21 of the minor: first degree murder, second degree murder,  
22 involuntary manslaughter, criminal sexual assault, aggravated  
23 criminal sexual assault, aggravated battery with a firearm as  
24 described in Section 12-4.2 or subdivision (e) (1), (e) (2),  
25 (e) (3), or (e) (4) of Section 12-3.05, aggravated or heinous  
26 battery involving permanent disability or disfigurement or

1 great bodily harm, robbery, aggravated robbery, armed robbery,  
2 vehicular hijacking, aggravated vehicular hijacking, vehicular  
3 invasion, arson, aggravated arson, kidnapping, aggravated  
4 kidnapping, home invasion, burglary, or residential burglary.

5 (c) Except as otherwise provided in paragraph (a), (d), or  
6 (e), no minor shall be detained in a county jail or municipal  
7 lockup for more than 12 hours, unless the offense is a crime of  
8 violence in which case the minor may be detained up to 24  
9 hours. For the purpose of this paragraph, "crime of violence"  
10 has the meaning ascribed to it in Section 1-10 of the  
11 Alcoholism and Other Drug Abuse and Dependency Act.

12 (i) The period of detention is deemed to have begun  
13 once the minor has been placed in a locked room or cell or  
14 handcuffed to a stationary object in a building housing a  
15 county jail or municipal lockup. Time spent transporting a  
16 minor is not considered to be time in detention or secure  
17 custody.

18 (ii) Any minor so confined shall be under periodic  
19 supervision and shall not be permitted to come into or  
20 remain in contact with adults in custody in the building.

21 (iii) Upon placement in secure custody in a jail or  
22 lockup, the minor shall be informed of the purpose of the  
23 detention, the time it is expected to last and the fact  
24 that it cannot exceed the time specified under this Act.

25 (iv) A log shall be kept which shows the offense which  
26 is the basis for the detention, the reasons and

1           circumstances for the decision to detain and the length of  
2           time the minor was in detention.

3           (v) Violation of the time limit on detention in a  
4           county jail or municipal lockup shall not, in and of  
5           itself, render inadmissible evidence obtained as a result  
6           of the violation of this time limit. Minors under 18 years  
7           of age shall be kept separate from confined adults and may  
8           not at any time be kept in the same cell, room or yard with  
9           adults confined pursuant to criminal law. Persons 18 years  
10          of age and older who have a petition of delinquency filed  
11          against them may be confined in an adult detention  
12          facility. In making a determination whether to confine a  
13          person 18 years of age or older who has a petition of  
14          delinquency filed against the person, these factors, among  
15          other matters, shall be considered:

16                   (A) The age of the person;

17                   (B) Any previous delinquent or criminal history of  
18                   the person;

19                   (C) Any previous abuse or neglect history of the  
20                   person; and

21                   (D) Any mental health or educational history of the  
22                   person, or both.

23          (d) (i) If a minor 12 years of age or older is confined in a  
24          county jail in a county with a population below 3,000,000  
25          inhabitants, then the minor's confinement shall be implemented  
26          in such a manner that there will be no contact by sight, sound

1 or otherwise between the minor and adult prisoners. Minors 12  
2 years of age or older must be kept separate from confined  
3 adults and may not at any time be kept in the same cell, room,  
4 or yard with confined adults. This paragraph (d)(i) shall only  
5 apply to confinement pending an adjudicatory hearing and shall  
6 not exceed 48 ~~40~~ hours, ~~excluding Saturdays, Sundays and court~~  
7 ~~designated holidays~~. To accept or hold minors during this time  
8 period, county jails shall comply with all monitoring standards  
9 adopted by the Department of Corrections and training standards  
10 approved by the Illinois Law Enforcement Training Standards  
11 Board.

12 (ii) To accept or hold minors, 12 years of age or older,  
13 after the time period prescribed in paragraph (d)(i) of this  
14 subsection (2) of this Section but not exceeding 7 days  
15 including Saturdays, Sundays and holidays pending an  
16 adjudicatory hearing, county jails shall comply with all  
17 temporary detention standards adopted by the Department of  
18 Corrections and training standards approved by the Illinois Law  
19 Enforcement Training Standards Board.

20 (iii) To accept or hold minors 12 years of age or older,  
21 after the time period prescribed in paragraphs (d)(i) and  
22 (d)(ii) of this subsection (2) of this Section, county jails  
23 shall comply with all county juvenile detention standards  
24 adopted by the Department of Juvenile Justice.

25 (e) When a minor who is at least 15 years of age is  
26 prosecuted under the criminal laws of this State, the court may

1 enter an order directing that the juvenile be confined in the  
2 county jail. However, any juvenile confined in the county jail  
3 under this provision shall be separated from adults who are  
4 confined in the county jail in such a manner that there will be  
5 no contact by sight, sound or otherwise between the juvenile  
6 and adult prisoners.

7 (f) For purposes of appearing in a physical lineup, the  
8 minor may be taken to a county jail or municipal lockup under  
9 the direct and constant supervision of a juvenile police  
10 officer. During such time as is necessary to conduct a lineup,  
11 and while supervised by a juvenile police officer, the sight  
12 and sound separation provisions shall not apply.

13 (g) For purposes of processing a minor, the minor may be  
14 taken to a County Jail or municipal lockup under the direct and  
15 constant supervision of a law enforcement officer or  
16 correctional officer. During such time as is necessary to  
17 process the minor, and while supervised by a law enforcement  
18 officer or correctional officer, the sight and sound separation  
19 provisions shall not apply.

20 (3) If the probation officer or State's Attorney (or such  
21 other public officer designated by the court in a county having  
22 3,000,000 or more inhabitants) determines that the minor may be  
23 a delinquent minor as described in subsection (3) of Section  
24 5-105, and should be retained in custody but does not require  
25 physical restriction, the minor may be placed in non-secure  
26 custody for up to 40 hours pending a detention hearing.

1           (4) Any minor taken into temporary custody, not requiring  
2 secure detention, may, however, be detained in the home of his  
3 or her parent or guardian subject to such conditions as the  
4 court may impose.

5           (5) The changes made to this Section by Public Act 98-61  
6 apply to a minor who has been arrested or taken into custody on  
7 or after January 1, 2014 (the effective date of Public Act  
8 98-61).

9           (Source: P.A. 98-61, eff. 1-1-14; 98-685, eff. 1-1-15; 98-756,  
10 eff. 7-16-14; 99-254, eff. 1-1-16.)

11           (705 ILCS 405/5-415)

12           Sec. 5-415. Setting of detention or shelter care hearing;  
13 release.

14           (1) Unless sooner released, a minor alleged to be a  
15 delinquent minor taken into temporary custody must be brought  
16 before a judicial officer within 48 ~~40~~ hours for a detention or  
17 shelter care hearing to determine whether he or she shall be  
18 further held in custody. If a minor alleged to be a delinquent  
19 minor taken into custody is hospitalized or is receiving  
20 treatment for a physical or mental condition, and is unable to  
21 be brought before a judicial officer for a detention or shelter  
22 care hearing, the 48 ~~40~~ hour period will not commence until the  
23 minor is released from the hospital or place of treatment. If  
24 the minor gives false information to law enforcement officials  
25 regarding the minor's identity or age, the 48 ~~40~~ hour period



1 will not commence until the court rules that the minor is  
2 subject to this Act and not subject to prosecution under the  
3 Criminal Code of 1961 or the Criminal Code of 2012. Any other  
4 delay attributable to a minor alleged to be a delinquent minor  
5 who is taken into temporary custody shall act to toll the 48 ~~40~~  
6 hour time period. The 48 ~~40~~ hour time period shall be tolled to  
7 allow counsel for the minor to prepare for the detention or  
8 shelter care hearing, upon a motion filed by such counsel and  
9 granted by the court. In all cases, the 48 ~~40~~ hour time period  
10 includes any Saturday, Sunday, or court-designated holiday  
11 within the period ~~is exclusive of Saturdays, Sundays and~~  
12 ~~court-designated holidays.~~

13 (2) If the State's Attorney or probation officer (or other  
14 public officer designated by the court in a county having more  
15 than 3,000,000 inhabitants) determines that the minor should be  
16 retained in custody, he or she shall cause a petition to be  
17 filed as provided in Section 5-520 of this Article, and the  
18 clerk of the court shall set the matter for hearing on the  
19 detention or shelter care hearing calendar. Immediately upon  
20 the filing of a petition in the case of a minor retained in  
21 custody, the court shall cause counsel to be appointed to  
22 represent the minor. When a parent, legal guardian, custodian,  
23 or responsible relative is present and so requests, the  
24 detention or shelter care hearing shall be held immediately if  
25 the court is in session and the State is ready to proceed,  
26 otherwise at the earliest feasible time. In no event shall a

1 detention or shelter care hearing be held until the minor has  
2 had adequate opportunity to consult with counsel. The probation  
3 officer or such other public officer designated by the court in  
4 a county having more than 3,000,000 inhabitants shall notify  
5 the minor's parent, legal guardian, custodian, or responsible  
6 relative of the time and place of the hearing. The notice may  
7 be given orally.

8 (3) The minor must be released from custody at the  
9 expiration of the 48 ~~40~~ hour period specified by this Section  
10 if not brought before a judicial officer within that period.

11 (4) After the initial 48 ~~40~~ hour period has lapsed, the  
12 court may review the minor's custodial status at any time prior  
13 to the trial or sentencing hearing. If during this time period  
14 new or additional information becomes available concerning the  
15 minor's conduct, the court may conduct a hearing to determine  
16 whether the minor should be placed in a detention or shelter  
17 care facility. If the court finds that there is probable cause  
18 that the minor is a delinquent minor and that it is a matter of  
19 immediate and urgent necessity for the protection of the minor  
20 or of the person or property of another, or that he or she is  
21 likely to flee the jurisdiction of the court, the court may  
22 order that the minor be placed in detention or shelter care.

23 (Source: P.A. 97-1150, eff. 1-25-13.)

24 (705 ILCS 405/5-420 new)

25 Sec. 5-420. Minor's appearance by closed circuit

1 television and video conference.

2 (a) If an appearance, under this Act, is required of any  
3 minor taken and held in a place of custody or confinement  
4 operated by the State or any of its political subdivisions,  
5 including counties and municipalities, the chief judge of the  
6 circuit may permit by rule for the minor's personal appearance  
7 to be made by means of two-way audio-visual communication,  
8 including closed circuit television and computerized video  
9 conference, in the following proceedings:

10 (1) the initial appearance before a judge;

11 (2) a detention or shelter care hearing; or

12 (3) any status hearing.

13 (b) The two-way audio-visual communication facilities must  
14 provide two-way audio-visual communication between the court  
15 and the place of custody or confinement, and must include a  
16 secure line over which the minor in custody and his or her  
17 counsel may communicate.

18 (c) Nothing in this Section shall be construed to prohibit  
19 other court appearances through the use of two-way audio-visual  
20 communication, upon waiver of any right the minor in custody or  
21 confinement may have to be present physically.

22 (d) Nothing in this Section shall be construed to establish  
23 a right of any minor held in custody or confinement to appear  
24 in court through two-way audio-visual communication or to  
25 require that any governmental entity, or place of custody or  
26 confinement, provide two-way audio-visual communication.

1           Section 10. The Probation and Probation Officers Act is  
2 amended by changing Section 15 as follows:

3           (730 ILCS 110/15) (from Ch. 38, par. 204-7)

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

9           (a) establish qualifications for chief probation  
10 officers and other probation and court services personnel  
11 as to hiring, promotion, and training.

12           (b) make available, on a timely basis, lists of those  
13 applicants whose qualifications meet the regulations  
14 referred to herein, including on said lists all candidates  
15 found qualified.

16           (c) establish a means of verifying the conditions for  
17 reimbursement under this Act and develop criteria for  
18 approved costs for reimbursement.

19           (d) develop standards and approve employee  
20 compensation schedules for probation and court services  
21 departments.

22           (e) employ sufficient personnel in the Division to  
23 carry out the functions of the Division.

24           (f) establish a system of training and establish

1 standards for personnel orientation and training.

2 (g) develop standards for a system of record keeping  
3 for cases and programs, gather statistics, establish a  
4 system of uniform forms, and develop research for planning  
5 of Probation Services.

6 (h) develop standards to assure adequate support  
7 personnel, office space, equipment and supplies, travel  
8 expenses, and other essential items necessary for  
9 Probation and Court Services Departments to carry out their  
10 duties.

11 (i) review and approve annual plans submitted by  
12 Probation and Court Services Departments.

13 (j) monitor and evaluate all programs operated by  
14 Probation and Court Services Departments, and may include  
15 in the program evaluation criteria such factors as the  
16 percentage of Probation sentences for felons convicted of  
17 Probationable offenses.

18 (k) seek the cooperation of local and State government  
19 and private agencies to improve the quality of probation  
20 and court services.

21 (l) where appropriate, establish programs and  
22 corresponding standards designed to generally improve the  
23 quality of probation and court services and reduce the rate  
24 of adult or juvenile offenders committed to the Department  
25 of Corrections.

26 (m) establish such other standards and regulations and

1 do all acts necessary to carry out the intent and purposes  
2 of this Act.

3 The Division shall adopt a statewide juvenile detention  
4 screening instrument that has been verified through  
5 evidence-based and data-based practices that is to be used by  
6 all authorized juvenile detention facilities. The scoring for  
7 this screening tool may include, but is not limited to, the  
8 following determinations or factors:

9 (i) the likelihood that the juvenile will appear in  
10 court;

11 (ii) the severity of the charge against the juvenile;

12 (iii) whether the current incident involved violence  
13 or a weapon, or the threat of or use of a weapon;

14 (iv) the number of prior interactions the juvenile has  
15 with the juvenile justice system;

16 (v) whether prior incidents of the juvenile involved  
17 violence or a weapon, or the threat of or use of a weapon;

18 (vi) whether there is a safe environment to return the  
19 juvenile to; and

20 (vii) whether the family members of the juvenile would  
21 feel safe if the juvenile returns to his or her home  
22 environment.

23 This screening tool and its use shall be race and gender  
24 neutral and shall include protections from all forms of bias.  
25 The Division may recommend and adopt updates to the screening  
26 tool and its usage on a regular basis.

1           The Division shall develop standards to implement the  
2 Domestic Violence Surveillance Program established under  
3 Section 5-8A-7 of the Unified Code of Corrections, including  
4 (i) procurement of equipment and other services necessary to  
5 implement the program and (ii) development of uniform standards  
6 for the delivery of the program through county probation  
7 departments, and develop standards for collecting data to  
8 evaluate the impact and costs of the Domestic Violence  
9 Surveillance Program.

10          The Division shall establish a model list of structured  
11 intermediate sanctions that may be imposed by a probation  
12 agency for violations of terms and conditions of a sentence of  
13 probation, conditional discharge, or supervision.

14          The State of Illinois shall provide for the costs of  
15 personnel, travel, equipment, telecommunications, postage,  
16 commodities, printing, space, contractual services and other  
17 related costs necessary to carry out the intent of this Act.

18          (2) (a) The chief judge of each circuit shall provide  
19 full-time probation services for all counties within the  
20 circuit, in a manner consistent with the annual probation plan,  
21 the standards, policies, and regulations established by the  
22 Supreme Court. A probation district of two or more counties  
23 within a circuit may be created for the purposes of providing  
24 full-time probation services. Every county or group of counties  
25 within a circuit shall maintain a probation department which  
26 shall be under the authority of the Chief Judge of the circuit

1 or some other judge designated by the Chief Judge. The Chief  
2 Judge, through the Probation and Court Services Department  
3 shall submit annual plans to the Division for probation and  
4 related services.

5 (b) The Chief Judge of each circuit shall appoint the Chief  
6 Probation Officer and all other probation officers for his or  
7 her circuit from lists of qualified applicants supplied by the  
8 Supreme Court. Candidates for chief managing officer and other  
9 probation officer positions must apply with both the Chief  
10 Judge of the circuit and the Supreme Court.

11 (3) A Probation and Court Service Department shall apply to  
12 the Supreme Court for funds for basic services, and may apply  
13 for funds for new and expanded programs or Individualized  
14 Services and Programs. Costs shall be reimbursed monthly based  
15 on a plan and budget approved by the Supreme Court. No  
16 Department may be reimbursed for costs which exceed or are not  
17 provided for in the approved annual plan and budget. After the  
18 effective date of this amendatory Act of 1985, each county must  
19 provide basic services in accordance with the annual plan and  
20 standards created by the division. No department may receive  
21 funds for new or expanded programs or individualized services  
22 and programs unless they are in compliance with standards as  
23 enumerated in paragraph (h) of subsection (1) of this Section,  
24 the annual plan, and standards for basic services.

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



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

3           (b) 100% of the salary for all probation officer and  
4 supervisor positions approved for reimbursement by the  
5 division after April 1, 1984, to meet workload standards  
6 and to implement intensive sanction and probation  
7 supervision programs and other basic services as defined in  
8 this Act.

9           (c) 100% of the salary for all secure detention  
10 personnel and non-secure group home personnel approved for  
11 reimbursement after December 1, 1990. For all such  
12 positions approved for reimbursement before December 1,  
13 1990, the counties shall be reimbursed \$1,250 per month  
14 beginning July 1, 1995, and an additional \$250 per month  
15 beginning each July 1st thereafter until the positions  
16 receive 100% salary reimbursement. Allocation of such  
17 positions will be based on comparative need considering  
18 capacity, staff/resident ratio, physical plant and  
19 program.

20           (d) \$1,000 per month for salaries for the remaining  
21 probation officer positions engaged in basic services and  
22 new or expanded services. All such positions shall be  
23 approved by the division in accordance with this Act and  
24 division standards.

25           (e) 100% of the travel expenses in accordance with  
26 Division standards for all Probation positions approved

1 under paragraph (b) of subsection 4 of this Section.

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

11 (5) The Division shall provide funds beginning on April 1,  
12 1987 for the counties to provide Individualized Services and  
13 Programs as provided in Section 16 of this Act.

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

20 (a) The Department shall have on file with the Supreme  
21 Court an annual Probation plan for continuing, improved,  
22 and new Probation and Court Services Programs approved by  
23 the Supreme Court or its designee. This plan shall indicate  
24 the manner in which Probation and Court Services will be  
25 delivered and improved, consistent with the minimum  
26 standards and regulations for Probation and Court

1 Services, as established by the Supreme Court. In counties  
2 with more than one Probation and Court Services Department  
3 eligible to receive funds, all Departments within that  
4 county must submit plans which are approved by the Supreme  
5 Court.

6 (b) The annual probation plan shall seek to generally  
7 improve the quality of probation services and to reduce the  
8 commitment of adult offenders to the Department of  
9 Corrections and to reduce the commitment of juvenile  
10 offenders to the Department of Juvenile Justice and shall  
11 require, when appropriate, coordination with the  
12 Department of Corrections, the Department of Juvenile  
13 Justice, and the Department of Children and Family Services  
14 in the development and use of community resources,  
15 information systems, case review and permanency planning  
16 systems to avoid the duplication of services.

17 (c) The Department shall be in compliance with  
18 standards developed by the Supreme Court for basic, new and  
19 expanded services, training, personnel hiring and  
20 promotion.

21 (d) The Department shall in its annual plan indicate  
22 the manner in which it will support the rights of crime  
23 victims and in which manner it will implement Article I,  
24 Section 8.1 of the Illinois Constitution and in what manner  
25 it will coordinate crime victims' support services with  
26 other criminal justice agencies within its jurisdiction,

1 including but not limited to, the State's Attorney, the  
2 Sheriff and any municipal police department.

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

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

8 (b) The probation officer, in order to be eligible for  
9 State reimbursement, is receiving a salary of at least  
10 \$17,000 per year.

11 (c) The probation officer is appointed or was  
12 reappointed in accordance with minimum qualifications or  
13 criteria established by the Supreme Court; however, all  
14 probation officers appointed prior to January 1, 1978,  
15 shall be exempted from the minimum requirements  
16 established by the Supreme Court. Payments shall be made to  
17 counties employing these exempted probation officers as  
18 long as they are employed in the position held on the  
19 effective date of this amendatory Act of 1985. Promotions  
20 shall be governed by minimum qualifications established by  
21 the Supreme Court.

22 (d) The Department has an established compensation  
23 schedule approved by the Supreme Court. The compensation  
24 schedule shall include salary ranges with necessary  
25 increments to compensate each employee. The increments  
26 shall, within the salary ranges, be based on such factors

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

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

20 (9) Before the 15th day of each month, the treasurer of any  
21 county which has a Probation and Court Services Department, or  
22 the treasurer of the most populous county, in the case of a  
23 Probation or Court Services Department funded by more than one  
24 county, shall submit an itemized statement of all approved  
25 costs incurred in the delivery of Basic Probation and Court  
26 Services under this Act to the Supreme Court. The treasurer may

1 also submit an itemized statement of all approved costs  
2 incurred in the delivery of new and expanded Probation and  
3 Court Services as well as Individualized Services and Programs.  
4 The Supreme Court or its designee shall verify compliance with  
5 this Section and shall examine and audit the monthly statement  
6 and, upon finding them to be correct, shall forward them to the  
7 Comptroller for payment to the county treasurer. In the case of  
8 payment to a treasurer of a county which is the most populous  
9 of counties sharing the salary and expenses of a Probation and  
10 Court Services Department, the treasurer shall divide the money  
11 between the counties in a manner that reflects each county's  
12 share of the cost incurred by the Department.

13 (10) The county treasurer must certify that funds received  
14 under this Section shall be used solely to maintain and improve  
15 Probation and Court Services. The county or circuit shall  
16 remain in compliance with all standards, policies and  
17 regulations established by the Supreme Court. If at any time  
18 the Supreme Court determines that a county or circuit is not in  
19 compliance, the Supreme Court shall immediately notify the  
20 Chief Judge, county board chairman and the Director of Court  
21 Services Chief Probation Officer. If after 90 days of written  
22 notice the noncompliance still exists, the Supreme Court shall  
23 be required to reduce the amount of monthly reimbursement by  
24 10%. An additional 10% reduction of monthly reimbursement shall  
25 occur for each consecutive month of noncompliance. Except as  
26 provided in subsection 5 of Section 15, funding to counties

1 shall commence on April 1, 1986. Funds received under this Act  
2 shall be used to provide for Probation Department expenses  
3 including those required under Section 13 of this Act. The  
4 Mandatory Arbitration Fund may be used to provide for Probation  
5 Department expenses, including those required under Section 13  
6 of this Act.

7 (11) The respective counties shall be responsible for  
8 capital and space costs, fringe benefits, clerical costs,  
9 equipment, telecommunications, postage, commodities and  
10 printing.

11 (12) For purposes of this Act only, probation officers  
12 shall be considered peace officers. In the exercise of their  
13 official duties, probation officers, sheriffs, and police  
14 officers may, anywhere within the State, arrest any probationer  
15 who is in violation of any of the conditions of his or her  
16 probation, conditional discharge, or supervision, and it shall  
17 be the duty of the officer making the arrest to take the  
18 probationer before the Court having jurisdiction over the  
19 probationer for further order.

20 (Source: P.A. 95-707, eff. 1-11-08; 95-773, eff. 1-1-09;  
21 96-688, eff. 8-25-09.)".