

1 AN ACT concerning county officers.

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

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

22 (3) Subject to paragraph (5), to each state's  
23 attorney in counties containing 20,000 or more but less  
24 than 30,000 inhabitants, \$51,000 until December 31, 1988,  
25 \$65,000 until June 30, 1994, and \$75,000 thereafter or as  
26 set by the Compensation Review Board, whichever is  
27 greater.

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

1 greater.

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

10 The State shall furnish 66 2/3% of the total annual  
11 compensation to be paid to each state's attorney in Illinois  
12 based on the salary in effect on December 31, 1988, and 100%  
13 of the increases in salary taking effect after December 31,  
14 1988.

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

18 Each county shall be required to furnish 33 1/3% of the  
19 total annual compensation to be paid to each state's attorney  
20 in Illinois based on the salary in effect on December 31,  
21 1988.

22 (b) Effective December 1, 2000, no state's attorney may  
23 engage in the private practice of law. However, until  
24 November 30, 2000, (i) the state's attorneys in counties  
25 containing fewer than 10,000 inhabitants may engage in the  
26 practice of law, and (ii) in any county between 10,000 and  
27 30,000 inhabitants or in any county containing 30,000 or more  
28 inhabitants which reached that population between 1970 and  
29 December 31, 1981, the state's attorney may declare his or  
30 her intention to engage in the private practice of law, and  
31 may do so through no later than November 30, 2000, by filing  
32 a written declaration of intent to engage in the private  
33 practice of law with the county clerk. The declaration of  
34 intention shall be irrevocable during the remainder of the

1 term of office. The declaration shall be filed with the  
2 county clerk within 30 days of certification of election or  
3 appointment, or within 60 days of March 15, 1989, whichever  
4 is later. In that event the annual salary of such state's  
5 attorney shall be as follows:

6 (1) In counties containing 10,000 or more  
7 inhabitants but less than 20,000 inhabitants, \$46,500  
8 until December 31, 1988, \$51,500 until June 30, 1994, and  
9 \$61,500 thereafter or as set by the Compensation Review  
10 Board, whichever is greater. The State shall furnish  
11 100% of the increases taking effect after December 31,  
12 1988.

13 (2) In counties containing 20,000 or more  
14 inhabitants but less than 30,000 inhabitants, and in  
15 counties containing 30,000 or more inhabitants which  
16 reached said population between 1970 and December 31,  
17 1981, \$51,500 until December 31, 1988, \$56,000 until June  
18 30, 1994, and \$65,000 thereafter or as set by the  
19 Compensation Review Board, whichever is greater. The  
20 State shall furnish 100% of the increases taking effect  
21 after December 31, 1988.

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

27 (1) To each assistant state's attorney in counties  
28 containing less than 10,000 inhabitants, the sum of  
29 \$2,500 per annum;

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

33 (3) To each assistant state's attorney in counties  
34 containing not less than 20,000 inhabitants and not more

1 than 30,000 inhabitants, the sum of \$4,000 per annum;

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

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

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

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

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

23 (1) \$22,000 for each assistant state's attorney in  
24 counties with one or more State correctional institutions  
25 with a total average daily inmate population in excess of  
26 2,000, on the basis of 2 assistant state's attorneys when  
27 the total average daily inmate population exceeds 2,000  
28 but is less than 4,000; and 3 assistant state's attorneys  
29 when such population exceeds 4,000; with reimbursement to  
30 be based on actual services rendered.

31 (2) \$15,000 per year for one assistant state's  
32 attorney in counties having one or more correctional  
33 institutions with a total average daily inmate population  
34 of between 750 and 2,000 inmates, with reimbursement to

1 be based on actual services rendered.

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

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

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

- 18 (1) the nature of the services rendered;
- 19 (2) the results or dispositions obtained;
- 20 (3) whether or not the county was required to  
21 employ additional attorney personnel as a direct result  
22 of the services actually rendered in connection with a  
23 particular service to a State correctional institution.

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

- 29 (1) \$14,000 per year each for employment on a full  
30 time basis for 2 assistant state's attorneys in counties  
31 having a State university or State universities with  
32 combined full time enrollment of more than 15,000  
33 students.

- 34 (2) \$7,200 per year for one assistant state's

1 attorney with no limitation on other practice in counties  
2 having a State university or State universities with  
3 combined full time enrollment of 10,000 to 15,000  
4 students.

5 (3) \$4,000 per year for one assistant state's  
6 attorney with no limitation on other practice in counties  
7 having a State university or State universities with  
8 combined full time enrollment of less than 10,000  
9 students.

10 Such salaries shall be paid to the state's attorney and  
11 the assistant state's attorney in equal monthly installments  
12 by such county out of the county treasury provided that the  
13 State of Illinois shall reimburse each county monthly from  
14 the state treasury the amount of such salary. This Section  
15 shall not prevent the payment of such additional compensation  
16 to the state's attorney or assistant state's attorney of any  
17 county, out of the treasury of that county as may be provided  
18 by law.

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

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

29 For purposes of this Section, "State university" means  
30 the University of Illinois, Southern Illinois University,  
31 Chicago State University, Eastern Illinois University,  
32 Governors State University, Illinois State University,  
33 Northeastern Illinois University, Northern Illinois  
34 University, Western Illinois University, and any public

1 community college which has established a program of  
2 interinstitutional cooperation with one of the foregoing  
3 institutions whereby a student, after earning an associate  
4 degree from the community college, pursues a course of study  
5 at the community college campus leading to a baccalaureate  
6 degree from the foregoing institution (also known as a "2  
7 Plus 2" degree program).

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

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

1 matters, assistant state's attorneys appointed and subsidized  
2 by this subsection (h) may also prosecute the different  
3 misdemeanor cases at the direction of the state's attorney.

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

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

9 (2) In counties with 30,000 or more but fewer than  
10 100,000 inhabitants, one at \$45,000.

11 (3) In counties with 100,000 or more but fewer than  
12 300,000 inhabitants, 2 at \$45,000 each.

13 (4) In counties, other than Cook County, with  
14 300,000 or more inhabitants, 4 at \$50,000 each.

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

18 If in any year the amount appropriated for the purposes  
19 of this subsection (h) is insufficient to pay all of the  
20 subsidies specified in this subsection, the amount  
21 appropriated shall first be prorated by the population  
22 classifications of this subsection (h) and then among the  
23 counties choosing to participate within each of those  
24 classifications. If any of the appropriated moneys for each  
25 population classification remain at the end of a fiscal year,  
26 the remainder of the moneys may be allocated to participating  
27 counties that were not fully funded during the course of the  
28 year. Nothing in this subsection prohibits 2 or more State's  
29 attorneys from combining their subsidies to appoint a joint  
30 assistant State's attorney to prosecute alcohol-related  
31 traffic offenses in multiple counties. Nothing in this  
32 subsection prohibits a State's attorney from appointing an  
33 assistant State's attorney by contract or otherwise.

34 (Source: P.A. 90-14, eff. 7-1-97; 90-375, eff. 8-14-97;



1 91-273, eff. 1-1-00; 91-440, eff. 8-6-99; 91-704, eff.  
2 7-1-00.)

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