

1 AN ACT concerning courts.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. If and only if House Bill 4594 of the 100th
5 General Assembly becomes law, then "AN ACT concerning fees,
6 fines, and assessments" (House Bill 4594 of the 100th General
7 Assembly) is amended by changing Section 1-5 as follows:

8 (H.B. 4594, 100th G.A., Sec. 1-5)

9 Sec. 1-5. Definitions. In this Act:

10 "Assessment" means any costs imposed on a defendant under
11 schedules 1 through 13 of this Act.

12 "Business offense" means a petty offense for which the fine
13 is in excess of \$1,000.

14 "Case" means all charges and counts filed against a single
15 defendant which are being prosecuted as a single proceeding
16 before the court.

17 "Count" means each separate offense charged in the same
18 indictment, information, or complaint when the indictment,
19 information, or complaint alleges the commission of more than
20 one offense.

21 "Conservation offense" means any violation of the
22 following Acts, Codes, or ordinances, except any offense
23 punishable upon conviction by imprisonment in the

1 penitentiary:

2 (1) Fish and Aquatic Life Code;

3 (2) Wildlife Code;

4 (3) Boat Registration and Safety Act;

5 (4) Park District Code;

6 (5) Chicago Park District Act;

7 (6) State Parks Act;

8 (7) State Forest Act;

9 (8) Forest Fire Protection District Act;

10 (9) Snowmobile Registration and Safety Act;

11 (10) Endangered Species Protection Act;

12 (11) Forest Products Transportation Act;

13 (12) Timber Buyers Licensing Act;

14 (13) Downstate Forest Preserve District Act;

15 (14) Exotic Weed Act;

16 (15) Ginseng Harvesting Act;

17 (16) Cave Protection Act;

18 (17) ordinances adopted under the Counties Code for the
19 acquisition of property for parks or recreational areas;

20 (18) Recreational Trails of Illinois Act;

21 (19) Herptiles-Herps Act; or

22 (20) any rule, regulation, proclamation, or ordinance
23 adopted under any Code or Act named in paragraphs (1)
24 through (19) of this definition.

25 "Conviction" means a judgment of conviction or sentence
26 entered upon a plea of guilty or upon a verdict or finding of

1 guilty of an offense, rendered by a legally constituted jury or
2 by a court of competent jurisdiction authorized to try the case
3 without a jury.

4 "Drug offense" means any violation of the Cannabis Control
5 Act, the Illinois Controlled Substances Act, the
6 Methamphetamine Control and Community Protection Act, or any
7 similar local ordinance which involves the possession or
8 delivery of a drug.

9 "Drug-related emergency response" means the act of
10 collecting evidence from or securing a site where controlled
11 substances were manufactured, or where by-products from the
12 manufacture of controlled substances are present, and cleaning
13 up the site, whether these actions are performed by public
14 entities or private contractors paid by public entities.

15 "Electronic citation" means the process of transmitting
16 traffic, misdemeanor, municipal ordinance, conservation, or
17 other citations and law enforcement data via electronic means
18 to a circuit court clerk.

19 "Emergency response" means any incident requiring a
20 response by a police officer, an ambulance, a firefighter
21 carried on the rolls of a regularly constituted fire department
22 or fire protection district, a firefighter of a volunteer fire
23 department, or a member of a recognized not-for-profit rescue
24 or emergency medical service provider. "Emergency response"
25 does not include a drug-related emergency response.

26 "Felony offense" means an offense for which a sentence to a

1 term of imprisonment in a penitentiary for one year or more is
2 provided.

3 "Fine" means a pecuniary punishment for a conviction as
4 ordered by a court of law.

5 "Highest classified offense" means the offense in the case
6 which carries the most severe potential disposition under
7 Article 4.5 of the Unified Code of Corrections.

8 "Major traffic offense" means a traffic offense under the
9 Illinois Vehicle Code or a similar provision of a local
10 ordinance other than a petty offense or business offense.

11 "Minor traffic offense" means a petty offense or business
12 offense under the Illinois Vehicle Code or a similar provision
13 of a local ordinance.

14 "Misdemeanor offense" means any offense for which a
15 sentence to a term of imprisonment in other than a penitentiary
16 for less than one year may be imposed.

17 "Offense" means a violation of any local ordinance or penal
18 statute of this State.

19 "Petty offense" means any offense for which a sentence of
20 imprisonment is not an authorized disposition.

21 "Service provider costs" means costs incurred as a result
22 of services provided by an entity including, but not limited
23 to, traffic safety programs, laboratories, ambulance
24 companies, and fire departments. "Service provider costs"
25 includes conditional amounts under this Act that are
26 reimbursements for services provided.

1 "Street value" means the amount determined by the court on
2 the basis of testimony of law enforcement personnel and the
3 defendant as to the amount of drug or materials seized and any
4 testimony as may be required by the court as to the current
5 street value of the cannabis, controlled substance,
6 methamphetamine or salt of an optical isomer of
7 methamphetamine, or methamphetamine manufacturing materials
8 seized.

9 "Supervision" means a disposition of conditional and
10 revocable release without probationary supervision, but under
11 the conditions and reporting requirements as are imposed by the
12 court, at the successful conclusion of which disposition the
13 defendant is discharged and a judgment dismissing the charges
14 is entered.

15 (Source: H.B. 4594, 100th G.A., Sec. 1-5.)

16 Section 10. If and only if the provisions of House Bill
17 4594 of the 100th General Assembly that are changed by this
18 amendatory Act of the 100th General Assembly becomes law, then
19 the Clerks of Courts Act is amended by changing Section 27.1b
20 as follows:

21 (705 ILCS 105/27.1b)

22 Sec. 27.1b. Circuit court clerk fees. Notwithstanding any
23 other provision of law, all fees charged by the clerks of the
24 circuit court for the services described in this Section shall

1 be established, collected, and disbursed in accordance with
2 this Section. Except as otherwise specified in this Section,
3 all ~~All~~ fees under this Section shall be paid in advance and
4 disbursed by each clerk on a monthly basis. In a county with a
5 population of over 3,000,000, units of local government and
6 school districts shall not be required to pay fees under this
7 Section in advance and the clerk shall instead send an itemized
8 bill to the unit of local government or school district, within
9 30 days of the fee being incurred, and the unit of local
10 government or school district shall be allowed at least 30 days
11 from the date of the itemized bill to pay; these payments shall
12 be disbursed by each clerk on a monthly basis. Unless otherwise
13 specified in this Section, the amount of a fee shall be
14 determined by ordinance or resolution of the county board and
15 remitted to the county treasurer to be used for purposes
16 related to the operation of the court system in the county. In
17 a county with population of over 3,000,000, any amount retained
18 by the clerk of the circuit court or remitted to the county
19 treasurer shall be subject to appropriation by the county
20 board.

21 (a) Civil cases. The fee for filing a complaint, petition,
22 or other pleading initiating a civil action shall be as set
23 forth in the applicable schedule under this subsection in
24 accordance with case categories established by the Supreme
25 Court in schedules.

26 (1) SCHEDULE 1: not to exceed a total of \$366 in a

1 county with a population of 3,000,000 or more and \$316 in
2 any other county, except as applied to units of local
3 government and school districts in counties with more than
4 3,000,000 inhabitants an amount not to exceed \$190 through
5 December 31, 2021 and \$184 on and after January 1, 2022.
6 The fees collected under this schedule shall be disbursed
7 as follows:

8 (A) The clerk shall retain a sum, in an amount not
9 to exceed \$55 in a county with a population of
10 3,000,000 or more and \$45 in any other county
11 determined by the clerk with the approval of the
12 Supreme Court, to be used for court automation, court
13 document storage, and administrative purposes.

14 (B) The clerk shall remit up to \$21 to the State
15 Treasurer. The State Treasurer shall deposit the
16 appropriate amounts, in accordance with the clerk's
17 instructions, as follows:

18 (i) up to \$10, as specified by the Supreme
19 Court in accordance with Part 10A of Article II of
20 the Code of Civil Procedure, into the Mandatory
21 Arbitration Fund;

22 (ii) \$2 into the Access to Justice Fund; and

23 (iii) \$9 into the Supreme Court Special
24 Purposes Fund.

25 (C) The clerk shall remit a sum to the County
26 Treasurer, in an amount not to exceed \$290 in a county

1 with a population of 3,000,000 or more and in an amount
2 not to exceed \$250 in any other county, as specified by
3 ordinance or resolution passed by the county board, for
4 purposes related to the operation of the court system
5 in the county.

6 (2) SCHEDULE 2: not to exceed a total of \$357 in a
7 county with a population of 3,000,000 or more and \$266 in
8 any other county, except as applied to units of local
9 government and school districts in counties with more than
10 3,000,000 inhabitants an amount not to exceed \$190 through
11 December 31, 2021 and \$184 on and after January 1, 2022.
12 The fees collected under this schedule shall be disbursed
13 as follows:

14 (A) The clerk shall retain a sum, in an amount not
15 to exceed \$55 in a county with a population of
16 3,000,000 or more and \$45 in any other county
17 determined by the clerk with the approval of the
18 Supreme Court, to be used for court automation, court
19 document storage, and administrative purposes.

20 (B) The clerk shall remit up to \$21 to the State
21 Treasurer. The State Treasurer shall deposit the
22 appropriate amounts, in accordance with the clerk's
23 instructions, as follows:

24 (i) up to \$10, as specified by the Supreme
25 Court in accordance with Part 10A of Article II of
26 the Code of Civil Procedure, into the Mandatory

1 Arbitration Fund;

2 (ii) \$2 into the Access to Justice Fund: and

3 (iii) \$9 into the Supreme Court Special
4 Purposes Fund.

5 (C) The clerk shall remit a sum to the County
6 Treasurer, in an amount not to exceed \$281 in a county
7 with a population of 3,000,000 or more and in an amount
8 not to exceed \$200 in any other county, as specified by
9 ordinance or resolution passed by the county board, for
10 purposes related to the operation of the court system
11 in the county.

12 (3) SCHEDULE 3: not to exceed a total of \$265 in a
13 county with a population of 3,000,000 or more and \$89 in
14 any other county, except as applied to units of local
15 government and school districts in counties with more than
16 3,000,000 inhabitants an amount not to exceed \$190 through
17 December 31, 2021 and \$184 on and after January 1, 2022.
18 The fees collected under this schedule shall be disbursed
19 as follows:

20 (A) The clerk shall retain a sum, in an amount not
21 to exceed \$55 in a county with a population of
22 3,000,000 or more and \$22 in any other county
23 determined by the clerk with the approval of the
24 Supreme Court, to be used for court automation, court
25 document storage, and administrative purposes.

26 (B) The clerk shall remit \$11 to the State

1 Treasurer. The State Treasurer shall deposit the
2 appropriate amounts in accordance with the clerk's
3 instructions, as follows:

4 (i) \$2 into the Access to Justice Fund; and

5 (ii) \$9 into the Supreme Court Special
6 Purposes Fund.

7 (C) The clerk shall remit a sum to the County
8 Treasurer, in an amount not to exceed \$199 in a county
9 with a population of 3,000,000 or more and in an amount
10 not to exceed \$56 in any other county, as specified by
11 ordinance or resolution passed by the county board, for
12 purposes related to the operation of the court system
13 in the county.

14 (4) SCHEDULE 4: \$0.

15 (b) Appearance. The fee for filing an appearance in a civil
16 action, including a cannabis civil law action under the
17 Cannabis Control Act, shall be as set forth in the applicable
18 schedule under this subsection in accordance with case
19 categories established by the Supreme Court in schedules.

20 (1) SCHEDULE 1: not to exceed a total of \$230 in a
21 county with a population of 3,000,000 or more and \$191 in
22 any other county, except as applied to units of local
23 government and school districts in counties with more than
24 3,000,000 inhabitants an amount not to exceed \$75. The fees
25 collected under this schedule shall be disbursed as
26 follows:

1 (A) The clerk shall retain a sum, in an amount not
2 to exceed \$50 in a county with a population of
3 3,000,000 or more and \$45 in any other county
4 determined by the clerk with the approval of the
5 Supreme Court, to be used for court automation, court
6 document storage, and administrative purposes.

7 (B) The clerk shall remit up to \$21 to the State
8 Treasurer. The State Treasurer shall deposit the
9 appropriate amounts, in accordance with the clerk's
10 instructions, as follows:

11 (i) up to \$10, as specified by the Supreme
12 Court in accordance with Part 10A of Article II of
13 the Code of Civil Procedure, into the Mandatory
14 Arbitration Fund;

15 (ii) \$2 into the Access to Justice Fund; and

16 (iii) \$9 into the Supreme Court Special
17 Purposes Fund.

18 (C) The clerk shall remit a sum to the County
19 Treasurer, in an amount not to exceed \$159 in a county
20 with a population of 3,000,000 or more and in an amount
21 not to exceed \$125 in any other county, as specified by
22 ordinance or resolution passed by the county board, for
23 purposes related to the operation of the court system
24 in the county.

25 (2) SCHEDULE 2: not to exceed a total of \$130 in a
26 county with a population of 3,000,000 or more and \$109 in

1 any other county, except as applied to units of local
2 government and school districts in counties with more than
3 3,000,000 inhabitants an amount not to exceed \$75. The fees
4 collected under this schedule shall be disbursed as
5 follows:

6 (A) The clerk shall retain a sum, in an amount not
7 to exceed \$50 in a county with a population of
8 3,000,000 or more and \$10 in any other county
9 determined by the clerk with the approval of the
10 Supreme Court, to be used for court automation, court
11 document storage, and administrative purposes.

12 (B) The clerk shall remit \$9 to the State
13 Treasurer, which the State Treasurer shall deposit
14 into the Supreme Court Special Purpose Fund.

15 (C) The clerk shall remit a sum to the County
16 Treasurer, in an amount not to exceed \$71 in a county
17 with a population of 3,000,000 or more and in an amount
18 not to exceed \$90 in any other county, as specified by
19 ordinance or resolution passed by the county board, for
20 purposes related to the operation of the court system
21 in the county.

22 (3) SCHEDULE 3: \$0.

23 (b-5) Kane County and Will County. In Kane County and Will
24 County civil cases, there is an additional fee of up to \$30 as
25 set by the county board under Section 5-1101.3 of the Counties
26 Code to be paid by each party at the time of filing the first

1 pleading, paper, or other appearance; provided that no
2 additional fee shall be required if more than one party is
3 represented in a single pleading, paper, or other appearance.
4 Distribution of fees collected under this subsection (b-5)
5 shall be as provided in Section 5-1101.3 of the Counties Code.

6 (c) Counterclaim or third party complaint. When any
7 defendant files a counterclaim or third party complaint, as
8 part of the defendant's answer or otherwise, the defendant
9 shall pay a filing fee for each counterclaim or third party
10 complaint in an amount equal to the filing fee the defendant
11 would have had to pay had the defendant brought a separate
12 action for the relief sought in the counterclaim or third party
13 complaint, less the amount of the appearance fee, if any, that
14 the defendant has already paid in the action in which the
15 counterclaim or third party complaint is filed.

16 (d) Alias summons. The clerk shall collect a fee not to
17 exceed \$6 in a county with a population of 3,000,000 or more
18 and \$5 in any other county for each alias summons or citation
19 issued by the clerk, except as applied to units of local
20 government and school districts in counties with more than
21 3,000,000 inhabitants an amount not to exceed \$5 for each alias
22 summons or citation issued by the clerk.

23 (e) Jury services. The clerk shall collect, in addition to
24 other fees allowed by law, a sum not to exceed \$212.50, as a
25 fee for the services of a jury in every civil action not
26 quasi-criminal in its nature and not a proceeding for the

1 exercise of the right of eminent domain and in every other
2 action wherein the right of trial by jury is or may be given by
3 law. The jury fee shall be paid by the party demanding a jury
4 at the time of filing the jury demand. If the fee is not paid by
5 either party, no jury shall be called in the action or
6 proceeding, and the action or proceeding shall be tried by the
7 court without a jury.

8 (f) Change of venue. In connection with a change of venue:

9 (1) The clerk of the jurisdiction from which the case
10 is transferred may charge a fee, not to exceed \$40, for the
11 preparation and certification of the record; and

12 (2) The clerk of the jurisdiction to which the case is
13 transferred may charge the same filing fee as if it were
14 the commencement of a new suit.

15 (g) Petition to vacate or modify.

16 (1) In a proceeding involving a petition to vacate or
17 modify any final judgment or order filed within 30 days
18 after the judgment or order was entered, except for a
19 forcible entry and detainer case, small claims case,
20 petition to reopen an estate, petition to modify,
21 terminate, or enforce a judgment or order for child or
22 spousal support, or petition to modify, suspend, or
23 terminate an order for withholding, the fee shall not
24 exceed \$60 in a county with a population of 3,000,000 or
25 more and \$50 in any other county, except as applied to
26 units of local government and school districts in counties

1 with more than 3,000,000 inhabitants an amount not to
2 exceed \$50.

3 (2) In a proceeding involving a petition to vacate or
4 modify any final judgment or order filed more than 30 days
5 after the judgment or order was entered, except for a
6 petition to modify, terminate, or enforce a judgment or
7 order for child or spousal support, or petition to modify,
8 suspend, or terminate an order for withholding, the fee
9 shall not exceed \$75.

10 (3) In a proceeding involving a motion to vacate or
11 amend a final order, motion to vacate an ex parte judgment,
12 judgment of forfeiture, or "failure to appear" or "failure
13 to comply" notices sent to the Secretary of State, the fee
14 shall equal \$40.

15 (h) Appeals preparation. The fee for preparation of a
16 record on appeal shall be based on the number of pages, as
17 follows:

18 (1) if the record contains no more than 100 pages, the
19 fee shall not exceed \$70 in a county with a population of
20 3,000,000 or more and \$50 in any other county;

21 (2) if the record contains between 100 and 200 pages,
22 the fee shall not exceed \$100; and

23 (3) if the record contains 200 or more pages, the clerk
24 may collect an additional fee not to exceed 25 cents per
25 page.

26 (i) Remands. In any cases remanded to the circuit court

1 from the Supreme Court or the appellate court for a new trial,
2 the clerk shall reinstate the case with either its original
3 number or a new number. The clerk shall not charge any new or
4 additional fee for the reinstatement. Upon reinstatement, the
5 clerk shall advise the parties of the reinstatement. Parties
6 shall have the same right to a jury trial on remand and
7 reinstatement that they had before the appeal, and no
8 additional or new fee or charge shall be made for a jury trial
9 after remand.

10 (j) Garnishment, wage deduction, and citation. In
11 garnishment affidavit, wage deduction affidavit, and citation
12 petition proceedings:

13 (1) if the amount in controversy in the proceeding is
14 not more than \$1,000, the fee may not exceed \$35 in a
15 county with a population of 3,000,000 or more and \$15 in
16 any other county, except as applied to units of local
17 government and school districts in counties with more than
18 3,000,000 inhabitants an amount not to exceed \$15;

19 (2) if the amount in controversy in the proceeding is
20 greater than \$1,000 and not more than \$5,000, the fee may
21 not exceed \$45 in a county with a population of 3,000,000
22 or more and \$30 in any other county, except as applied to
23 units of local government and school districts in counties
24 with more than 3,000,000 inhabitants an amount not to
25 exceed \$30; and

26 (3) if the amount in controversy in the proceeding is

1 greater than \$5,000, the fee may not exceed \$65 in a county
2 with a population of 3,000,000 or more and \$50 in any other
3 county, except as applied to units of local government and
4 school districts in counties with more than 3,000,000
5 inhabitants an amount not to exceed \$50.

6 (j-5) Debt Collection. In any proceeding to collect a debt
7 subject to the exception in item (ii) of subparagraph (A-5) of
8 paragraph (1) of subsection (z) of this Section, the circuit
9 court shall order and the clerk shall collect from each
10 judgment debtor a fee of:

11 (1) \$35 if the amount in controversy in the proceeding
12 is not more than \$1,000;

13 (2) \$45 if the amount in controversy in the proceeding
14 is greater than \$1,000 and not more than \$5,000; and

15 (3) \$65 if the amount in controversy in the proceeding
16 is greater than \$5,000.

17 (k) Collections.

18 (1) For all collections made of others, except the
19 State and county and except in maintenance or child support
20 cases, the clerk may collect a fee of up to 2.5% of the
21 amount collected and turned over.

22 (2) In child support and maintenance cases, the clerk
23 may collect an annual fee of up to \$36 from the person
24 making payment for maintaining child support records and
25 the processing of support orders to the State of Illinois
26 KIDS system and the recording of payments issued by the

1 State Disbursement Unit for the official record of the
2 Court. This fee is in addition to and separate from amounts
3 ordered to be paid as maintenance or child support and
4 shall be deposited into a Separate Maintenance and Child
5 Support Collection Fund, of which the clerk shall be the
6 custodian, ex officio, to be used by the clerk to maintain
7 child support orders and record all payments issued by the
8 State Disbursement Unit for the official record of the
9 Court. The clerk may recover from the person making the
10 maintenance or child support payment any additional cost
11 incurred in the collection of this annual fee.

12 (3) The clerk may collect a fee of \$5 for
13 certifications made to the Secretary of State as provided
14 in Section 7-703 of the Family Financial Responsibility Law
15 and these fees shall be deposited into the Separate
16 Maintenance and Child Support Collection Fund.

17 (4) In proceedings to foreclose the lien of delinquent
18 real estate taxes State's Attorneys shall receive a fee of
19 10% of the total amount realized from the sale of real
20 estate sold in the proceedings. The clerk shall collect the
21 fee from the total amount realized from the sale of the
22 real estate sold in the proceedings and remit to the County
23 Treasurer to be credited to the earnings of the Office of
24 State's Attorney.

25 (1) Mailing. The fee for the clerk mailing documents shall
26 not exceed \$10 plus the cost of postage.

1 (m) Certified copies. The fee for each certified copy of a
2 judgment, after the first copy, shall not exceed \$10.

3 (n) Certification, authentication, and reproduction.

4 (1) The fee for each certification or authentication
5 for taking the acknowledgment of a deed or other instrument
6 in writing with the seal of office shall not exceed \$6.

7 (2) The fee for reproduction of any document contained
8 in the clerk's files shall not exceed:

9 (A) \$2 for the first page;

10 (B) 50 cents per page for the next 19 pages; and

11 (C) 25 cents per page for all additional pages.

12 (o) Record search. For each record search, within a
13 division or municipal district, the clerk may collect a search
14 fee not to exceed \$6 for each year searched.

15 (p) Hard copy. For each page of hard copy print output,
16 when case records are maintained on an automated medium, the
17 clerk may collect a fee not to exceed \$10 in a county with a
18 population of 3,000,000 or more and \$6 in any other county,
19 except as applied to units of local government and school
20 districts in counties with more than 3,000,000 inhabitants an
21 amount not to exceed \$6.

22 (q) Index inquiry and other records. No fee shall be
23 charged for a single plaintiff and defendant index inquiry or
24 single case record inquiry when this request is made in person
25 and the records are maintained in a current automated medium,
26 and when no hard copy print output is requested. The fees to be

1 charged for management records, multiple case records, and
2 multiple journal records may be specified by the Chief Judge
3 pursuant to the guidelines for access and dissemination of
4 information approved by the Supreme Court.

5 (r) Performing a marriage. There shall be a \$10 fee for
6 performing a marriage in court.

7 (s) Voluntary assignment. For filing each deed of voluntary
8 assignment, the clerk shall collect a fee not to exceed \$20.
9 For recording a deed of voluntary assignment, the clerk shall
10 collect a fee not to exceed 50 cents for each 100 words.
11 Exceptions filed to claims presented to an assignee of a debtor
12 who has made a voluntary assignment for the benefit of
13 creditors shall be considered and treated, for the purpose of
14 taxing costs therein, as actions in which the party or parties
15 filing the exceptions shall be considered as party or parties
16 plaintiff, and the claimant or claimants as party or parties
17 defendant, and those parties respectively shall pay to the
18 clerk the same fees as provided by this Section to be paid in
19 other actions.

20 (t) Expungement petition. The clerk may collect a fee not
21 to exceed \$60 for each expungement petition filed and an
22 additional fee not to exceed \$4 for each certified copy of an
23 order to expunge arrest records.

24 (u) Transcripts of judgment. For the filing of a transcript
25 of judgment, the clerk may collect the same fee as if it were
26 the commencement of a new suit.

1 (v) Probate filings.

2 (1) For each account (other than one final account)
3 filed in the estate of a decedent, or ward, the fee shall
4 not exceed \$25.

5 (2) For filing a claim in an estate when the amount
6 claimed is greater than \$150 and not more than \$500, the
7 fee shall not exceed \$40 in a county with a population of
8 3,000,000 or more and \$25 in any other county; when the
9 amount claimed is greater than \$500 and not more than
10 \$10,000, the fee shall not exceed \$55 in a county with a
11 population of 3,000,000 or more and \$40 in any other
12 county; and when the amount claimed is more than \$10,000,
13 the fee shall not exceed \$75 in a county with a population
14 of 3,000,000 or more and \$60 in any other county; except
15 the court in allowing a claim may add to the amount allowed
16 the filing fee paid by the claimant.

17 (3) For filing in an estate a claim, petition, or
18 supplemental proceeding based upon an action seeking
19 equitable relief including the construction or contest of a
20 will, enforcement of a contract to make a will, and
21 proceedings involving testamentary trusts or the
22 appointment of testamentary trustees, the fee shall not
23 exceed \$60.

24 (4) There shall be no fee for filing in an estate: (i)
25 the appearance of any person for the purpose of consent; or
26 (ii) the appearance of an executor, administrator,

1 administrator to collect, guardian, guardian ad litem, or
2 special administrator.

3 (5) For each jury demand, the fee shall not exceed
4 \$137.50.

5 (6) For each certified copy of letters of office, of
6 court order, or other certification, the fee shall not
7 exceed \$2 per page.

8 (7) For each exemplification, the fee shall not exceed
9 \$2, plus the fee for certification.

10 (8) The executor, administrator, guardian, petitioner,
11 or other interested person or his or her attorney shall pay
12 the cost of publication by the clerk directly to the
13 newspaper.

14 (9) The person on whose behalf a charge is incurred for
15 witness, court reporter, appraiser, or other miscellaneous
16 fees shall pay the same directly to the person entitled
17 thereto.

18 (10) The executor, administrator, guardian,
19 petitioner, or other interested person or his or her
20 attorney shall pay to the clerk all postage charges
21 incurred by the clerk in mailing petitions, orders,
22 notices, or other documents pursuant to the provisions of
23 the Probate Act of 1975.

24 (w) Corrections of numbers. For correction of the case
25 number, case title, or attorney computer identification
26 number, if required by rule of court, on any document filed in

1 the clerk's office, to be charged against the party that filed
2 the document, the fee shall not exceed \$25.

3 (x) Miscellaneous.

4 (1) Interest earned on any fees collected by the clerk
5 shall be turned over to the county general fund as an
6 earning of the office.

7 (2) For any check, draft, or other bank instrument
8 returned to the clerk for non-sufficient funds, account
9 closed, or payment stopped, the clerk shall collect a fee
10 of \$25.

11 (y) Other fees. The clerk of the circuit court may provide
12 services in connection with the operation of the clerk's
13 office, other than those services mentioned in this Section, as
14 may be requested by the public and agreed to by the clerk and
15 approved by the Chief Judge. Any charges for additional
16 services shall be as agreed to between the clerk and the party
17 making the request and approved by the Chief Judge. Nothing in
18 this subsection shall be construed to require any clerk to
19 provide any service not otherwise required by law.

20 (y-5) Unpaid fees. Unless a court ordered payment schedule
21 is implemented or the fee requirements of this Section are
22 waived under a court order, the clerk of the circuit court may
23 add to any unpaid fees and costs under this Section a
24 delinquency amount equal to 5% of the unpaid fees that remain
25 unpaid after 30 days, 10% of the unpaid fees that remain unpaid
26 after 60 days, and 15% of the unpaid fees that remain unpaid

1 after 90 days. Notice to those parties may be made by signage
2 posting or publication. The additional delinquency amounts
3 collected under this Section shall be used to defray additional
4 administrative costs incurred by the clerk of the circuit court
5 in collecting unpaid fees and costs.

6 (z) Exceptions.

7 (1) No fee authorized by this Section shall apply to:

8 (A) police departments or other law enforcement
9 agencies. In this Section, "law enforcement agency"
10 means: an agency of the State or agency of a unit of
11 local government which is vested by law or ordinance
12 with the duty to maintain public order and to enforce
13 criminal laws or ordinances; the Attorney General; or
14 any State's Attorney;

15 (A-5) any unit of local government or school
16 district, except in counties having a population of
17 500,000 or more the county board may by resolution set
18 fees for units of local government or school districts
19 no greater than the minimum fees applicable in counties
20 with a population less than 3,000,000; provided
21 however, no fee may be charged to any unit of local
22 government or school district in connection with any
23 action which, in whole or in part, is: (i) to enforce
24 an ordinance; (ii) to collect a debt; or (iii) under
25 the Administrative Review Law in counties having a
26 population of 500,000 or less and the county board in

1 ~~counties having a population exceeding 500,000 may by~~
2 ~~resolution set reduced fees for units of local~~
3 ~~government or school districts;~~

4 (B) any action instituted by the corporate
5 authority of a municipality with more than 1,000,000
6 inhabitants under Section 11-31-1 of the Illinois
7 Municipal Code and any action instituted under
8 subsection (b) of Section 11-31-1 of the Illinois
9 Municipal Code by a private owner or tenant of real
10 property within 1,200 feet of a dangerous or unsafe
11 building seeking an order compelling the owner or
12 owners of the building to take any of the actions
13 authorized under that subsection;

14 (C) any commitment petition or petition for an
15 order authorizing the administration of psychotropic
16 medication or electroconvulsive therapy under the
17 Mental Health and Developmental Disabilities Code;

18 (D) a petitioner in any order of protection
19 proceeding, including, but not limited to, fees for
20 filing, modifying, withdrawing, certifying, or
21 photocopying petitions for orders of protection,
22 issuing alias summons, any related filing service, or
23 certifying, modifying, vacating, or photocopying any
24 orders of protection; or

25 (E) proceedings for the appointment of a
26 confidential intermediary under the Adoption Act.

1 (2) No fee other than the filing fee contained in the
2 applicable schedule in subsection (a) shall be charged to
3 any person in connection with an adoption proceeding.

4 (3) Upon good cause shown, the court may waive any fees
5 associated with a special needs adoption. The term "special
6 needs adoption" has the meaning provided by the Illinois
7 Department of Children and Family Services.

8 (aa) This Section is repealed on December 31, 2019.

9 (Source: 100HB4594enr.)

10 Section 99. Effective date. This Act takes effect July 1,
11 2019.