

SB0751



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB0751

Introduced 2/1/2017, by Sen. Emil Jones, III

SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-43035

Amends the Counties Code. In provisions regarding enforcement of judgments, fines, costs, penalties, or other sanctions that remain unpaid after exhaustion of, or failure to exhaust, judicial review, provides that taxes and fees may also be collected and that the taxes, fees, fines, costs, penalties, or other sanctions cannot be related to real property. Makes technical changes.

LRB100 07341 AWJ 17404 b

A BILL FOR

1 AN ACT concerning local government.

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 Section
5 5-43035 as follows:

6 (55 ILCS 5/5-43035)

7 Sec. 5-43035. Enforcement of judgment.

8 (a) Any non-real property tax, fee, fine, other sanction,
9 or costs ~~imposed~~, or part of any non-real property tax, fee,
10 fine, other sanction, or costs imposed, remaining unpaid after
11 the exhaustion of or the failure to exhaust judicial review
12 procedures under the ~~Illinois~~ Administrative Review Law are a
13 debt due and owing the county for a violation of a county
14 ordinance, or the participating unit of local government for a
15 violation of a participating unit of local government's
16 ordinance, and may be collected in accordance with applicable
17 law.

18 (b) After expiration of the period in which judicial review
19 under the ~~Illinois~~ Administrative Review Law may be sought for
20 a final determination of a code violation, unless stayed by a
21 court of competent jurisdiction, the findings, decision, and
22 order of the hearing officer may be enforced in the same manner
23 as a judgment entered by a court of competent jurisdiction.

1 (c) In any case in which a defendant has failed to comply
2 with a judgment ordering a defendant to correct a code
3 violation or imposing any non-real property tax, fee, fine, or
4 other sanction as a result of a code violation, any expenses
5 incurred by a county for a violation of a county ordinance, or
6 the participating unit of local government for a violation of a
7 participating unit of local government's ordinance, to enforce
8 the judgment, including, but not limited to, attorney's fees,
9 court costs, and costs related to property demolition or
10 foreclosure, after they are fixed by a court of competent
11 jurisdiction or a hearing officer, shall be a debt due and
12 owing the county for a violation of a county ordinance, or the
13 participating unit of local government for a violation of a
14 participating unit of local government's ordinance, and the
15 findings, decision, and order of the hearing officer may be
16 enforced in the same manner as a judgment entered by a court.
17 Prior to any expenses being fixed by a hearing officer pursuant
18 to this subsection (c), the county for a violation of a county
19 ordinance, or the participating unit of local government for a
20 violation of a participating unit of local government's
21 ordinance, shall provide notice to the defendant that states
22 that the defendant shall appear at a hearing before the
23 administrative hearing officer to determine whether the
24 defendant has failed to comply with the judgment. The notice
25 shall set the date for the hearing, which shall not be less
26 than 7 days after the date that notice is served. If notice is

1 served by mail, the 7-day period shall begin to run on the date
2 that the notice was deposited in the mail.

3 (c-5) A default in the payment of a non-real property tax,
4 fee, fine, or penalty or any installment of a non-real property
5 tax, fee, fine, or penalty may be collected by any means
6 authorized for the collection of monetary judgments. The
7 State's Attorney ~~state's attorney~~ of the county in which the
8 non-real property tax, fee, fine, or penalty was imposed may
9 retain attorneys and private collection agents for the purpose
10 of collecting any default in payment of any non-real property
11 tax, fee, fine, or penalty or installment of that non-real
12 property tax, fee, fine, or penalty. Any fees or costs incurred
13 by the county or participating unit of local government with
14 respect to attorneys or private collection agents retained by
15 the State's Attorney ~~state's attorney~~ under this Section shall
16 be charged to the offender.

17 (d) Upon being recorded in the manner required by Article
18 XII of the Code of Civil Procedure or by the Uniform Commercial
19 Code, a lien shall be imposed on the real estate or personal
20 estate, or both, of the defendant in the amount of any debt due
21 and owing the county for a violation of a county ordinance, or
22 the participating unit of local government for a violation of a
23 participating unit of local government's ordinance, under this
24 Section. The lien may be enforced in the same manner as a
25 judgment lien pursuant to a judgment of a court of competent
26 jurisdiction.

1 (e) A hearing officer may set aside any judgment entered by
2 default and set a new hearing date, upon a petition filed
3 within 21 days after the issuance of the order of default, if
4 the hearing officer determines that the petitioner's failure to
5 appear at the hearing was for good cause or at any time if the
6 petitioner establishes that the county for a violation of a
7 county ordinance, or the participating unit of local government
8 for a violation of a participating unit of local government's
9 ordinance, did not provide proper service of process. If any
10 judgment is set aside pursuant to this subsection (e), the
11 hearing officer shall have authority to enter an order
12 extinguishing any lien that has been recorded for any debt due
13 and owing the county for a violation of a county ordinance, or
14 the participating unit of local government for a violation of a
15 participating unit of local government's ordinance, as a result
16 of the vacated default judgment.

17 (Source: P.A. 99-18, eff. 1-1-16; 99-739, eff. 1-1-17; 99-754,
18 eff. 1-1-17; revised 9-21-16.)