

1 AN ACT concerning criminal law.

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

4 Section 5. The Clerks of Courts Act is amended by changing
5 Section 27.3a as follows:

6 (705 ILCS 105/27.3a)

7 (Text of Section before amendment by P.A. 97-46)

8 Sec. 27.3a. Fees for automated record keeping, probation
9 and court services operations, and State Police operations.

10 1. The expense of establishing and maintaining automated
11 record keeping systems in the offices of the clerks of the
12 circuit court shall be borne by the county. To defray such
13 expense in any county having established such an automated
14 system or which elects to establish such a system, the county
15 board may require the clerk of the circuit court in their
16 county to charge and collect a court automation fee of not less
17 than \$1 nor more than \$15 to be charged and collected by the
18 clerk of the court. Such fee shall be paid at the time of
19 filing the first pleading, paper or other appearance filed by
20 each party in all civil cases or by the defendant in any
21 felony, traffic, misdemeanor, municipal ordinance, or
22 conservation case upon a judgment of guilty or grant of
23 supervision, provided that the record keeping system which

1 processes the case category for which the fee is charged is
2 automated or has been approved for automation by the county
3 board, and provided further that no additional fee shall be
4 required if more than one party is presented in a single
5 pleading, paper or other appearance. Such fee shall be
6 collected in the manner in which all other fees or costs are
7 collected.

8 1.1. Starting on the effective date of this amendatory Act
9 of the 97th General Assembly and pursuant to an administrative
10 order from the chief judge of the circuit or the presiding
11 judge of the county authorizing such collection, a clerk of the
12 circuit court in any county that imposes a fee pursuant to
13 subsection 1 of this Section shall also charge and collect an
14 additional \$10 operations fee for probation and court services
15 department operations.

16 This additional fee shall be paid by the defendant in any
17 felony, traffic, misdemeanor, local ordinance, or conservation
18 case upon a judgment of guilty or grant of supervision, except
19 such \$10 operations fee shall not be charged and collected in
20 cases governed by Supreme Court Rule 529 in which the bail
21 amount is \$120 or less.

22 1.2. With respect to the fee imposed and collected under
23 subsection 1.1 of this Section, each clerk shall transfer all
24 fees monthly to the county treasurer for deposit into the
25 probation and court services fund created under Section 15.1 of
26 the Probation and Probation Officers Act, and such monies shall

1 be disbursed from the fund only at the direction of the chief
2 judge of the circuit or another judge designated by the Chief
3 Circuit Judge in accordance with the policies and guidelines
4 approved by the Supreme Court.

5 1.5. Starting on the effective date of this amendatory Act
6 of the 96th General Assembly, a clerk of the circuit court in
7 any county that imposes a fee pursuant to subsection 1 of this
8 Section, shall charge and collect an additional fee in an
9 amount equal to the amount of the fee imposed pursuant to
10 subsection 1 of this Section. This additional fee shall be paid
11 by the defendant in any felony, traffic, misdemeanor, local
12 ordinance, or conservation case upon a judgment of guilty or
13 grant of supervision.

14 2. With respect to the fee imposed under subsection 1 of
15 this Section, each clerk shall commence such charges and
16 collections upon receipt of written notice from the chairman of
17 the county board together with a certified copy of the board's
18 resolution, which the clerk shall file of record in his office.

19 3. With respect to the fee imposed under subsection 1 of
20 this Section, such fees shall be in addition to all other fees
21 and charges of such clerks, and assessable as costs, and may be
22 waived only if the judge specifically provides for the waiver
23 of the court automation fee. The fees shall be remitted monthly
24 by such clerk to the county treasurer, to be retained by him in
25 a special fund designated as the court automation fund. The
26 fund shall be audited by the county auditor, and the board

1 shall make expenditure from the fund in payment of any cost
2 related to the automation of court records, including hardware,
3 software, research and development costs and personnel related
4 thereto, provided that the expenditure is approved by the clerk
5 of the court and by the chief judge of the circuit court or his
6 designate.

7 4. With respect to the fee imposed under subsection 1 of
8 this Section, such fees shall not be charged in any matter
9 coming to any such clerk on change of venue, nor in any
10 proceeding to review the decision of any administrative
11 officer, agency or body.

12 5. With respect to the additional fee imposed under
13 subsection 1.5 of this Section, the fee shall be remitted by
14 the circuit clerk to the State Treasurer within one month after
15 receipt for deposit into the State Police Operations Assistance
16 Fund.

17 6. With respect to the additional fees imposed under
18 subsection 1.5 of this Section, the Director of State Police
19 may direct the use of these fees for homeland security purposes
20 by transferring these fees on a quarterly basis from the State
21 Police Operations Assistance Fund into the Illinois Law
22 Enforcement Alarm Systems (ILEAS) Fund for homeland security
23 initiatives programs. The transferred fees shall be allocated,
24 subject to the approval of the ILEAS Executive Board, as
25 follows: (i) 66.6% shall be used for homeland security
26 initiatives and (ii) 33.3% shall be used for airborne

1 operations. The ILEAS Executive Board shall annually supply the
2 Director of State Police with a report of the use of these
3 fees.

4 (Source: P.A. 96-1029, eff. 7-13-10; 97-453, eff. 8-19-11.)

5 (Text of Section after amendment by P.A. 97-46)

6 Sec. 27.3a. Fees for automated record keeping, probation
7 and court services operations, and State and Conservation
8 Police operations.

9 1. The expense of establishing and maintaining automated
10 record keeping systems in the offices of the clerks of the
11 circuit court shall be borne by the county. To defray such
12 expense in any county having established such an automated
13 system or which elects to establish such a system, the county
14 board may require the clerk of the circuit court in their
15 county to charge and collect a court automation fee of not less
16 than \$1 nor more than \$15 to be charged and collected by the
17 clerk of the court. Such fee shall be paid at the time of
18 filing the first pleading, paper or other appearance filed by
19 each party in all civil cases or by the defendant in any
20 felony, traffic, misdemeanor, municipal ordinance, or
21 conservation case upon a judgment of guilty or grant of
22 supervision, provided that the record keeping system which
23 processes the case category for which the fee is charged is
24 automated or has been approved for automation by the county
25 board, and provided further that no additional fee shall be

1 required if more than one party is presented in a single
2 pleading, paper or other appearance. Such fee shall be
3 collected in the manner in which all other fees or costs are
4 collected.

5 1.1. Starting on the effective date of this amendatory Act
6 of the 97th General Assembly and pursuant to an administrative
7 order from the chief judge of the circuit or the presiding
8 judge of the county authorizing such collection, a clerk of the
9 circuit court in any county that imposes a fee pursuant to
10 subsection 1 of this Section shall also charge and collect an
11 additional \$10 operations fee for probation and court services
12 department operations.

13 This additional fee shall be paid by the defendant in any
14 felony, traffic, misdemeanor, local ordinance, or conservation
15 case upon a judgment of guilty or grant of supervision, except
16 such \$10 operations fee shall not be charged and collected in
17 cases governed by Supreme Court Rule 529 in which the bail
18 amount is \$120 or less.

19 1.2. With respect to the fee imposed and collected under
20 subsection 1.1 of this Section, each clerk shall transfer all
21 fees monthly to the county treasurer for deposit into the
22 probation and court services fund created under Section 15.1 of
23 the Probation and Probation Officers Act, and such monies shall
24 be disbursed from the fund only at the direction of the chief
25 judge of the circuit or another judge designated by the Chief
26 Circuit Judge in accordance with the policies and guidelines

1 approved by the Supreme Court.

2 1.5. Starting on the effective date of this amendatory Act
3 of the 96th General Assembly, a clerk of the circuit court in
4 any county that imposes a fee pursuant to subsection 1 of this
5 Section, shall charge and collect an additional fee in an
6 amount equal to the amount of the fee imposed pursuant to
7 subsection 1 of this Section. This additional fee shall be paid
8 by the defendant in any felony, traffic, misdemeanor, or local
9 ordinance case upon a judgment of guilty or grant of
10 supervision. This fee shall not be paid by the defendant for
11 any conservation violation listed in subsection 1.6 of this
12 Section.

13 1.6. Starting on July 1, 2012 (the effective date of Public
14 Act 97-46) ~~this amendatory Act of the 97th General Assembly~~, a
15 clerk of the circuit court in any county that imposes a fee
16 pursuant to subsection 1 of this Section shall charge and
17 collect an additional fee in an amount equal to the amount of
18 the fee imposed pursuant to subsection 1 of this Section. This
19 additional fee shall be paid by the defendant upon a judgment
20 of guilty or grant of supervision for a conservation violation
21 under the State Parks Act, the Recreational Trails of Illinois
22 Act, the Illinois Explosives Act, the Timber Buyers Licensing
23 Act, the Forest Products Transportation Act, the Firearm Owners
24 Identification Card Act, the Environmental Protection Act, the
25 Fish and Aquatic Life Code, the Wildlife Code, the Cave
26 Protection Act, the Illinois Exotic Weed Act, the Illinois

1 Forestry Development Act, the Ginseng Harvesting Act, the
2 Illinois Lake Management Program Act, the Illinois Natural
3 Areas Preservation Act, the Illinois Open Land Trust Act, the
4 Open Space Lands Acquisition and Development Act, the Illinois
5 Prescribed Burning Act, the State Forest Act, the Water Use Act
6 of 1983, the Illinois Youth and Young Adult Employment Act of
7 1986, the Snowmobile Registration and Safety Act, the Boat
8 Registration and Safety Act, the Illinois Dangerous Animals
9 Act, the Hunter and Fishermen Interference Prohibition Act, the
10 Wrongful Tree Cutting Act, or Section 11-1426.1, 11-1426.2,
11 11-1427, 11-1427.1, 11-1427.2, 11-1427.3, 11-1427.4, or
12 11-1427.5 of the Illinois Vehicle Code.

13 2. With respect to the fee imposed under subsection 1 of
14 this Section, each clerk shall commence such charges and
15 collections upon receipt of written notice from the chairman of
16 the county board together with a certified copy of the board's
17 resolution, which the clerk shall file of record in his office.

18 3. With respect to the fee imposed under subsection 1 of
19 this Section, such fees shall be in addition to all other fees
20 and charges of such clerks, and assessable as costs, and may be
21 waived only if the judge specifically provides for the waiver
22 of the court automation fee. The fees shall be remitted monthly
23 by such clerk to the county treasurer, to be retained by him in
24 a special fund designated as the court automation fund. The
25 fund shall be audited by the county auditor, and the board
26 shall make expenditure from the fund in payment of any cost

1 related to the automation of court records, including hardware,
2 software, research and development costs and personnel related
3 thereto, provided that the expenditure is approved by the clerk
4 of the court and by the chief judge of the circuit court or his
5 designate.

6 4. With respect to the fee imposed under subsection 1 of
7 this Section, such fees shall not be charged in any matter
8 coming to any such clerk on change of venue, nor in any
9 proceeding to review the decision of any administrative
10 officer, agency or body.

11 5. With respect to the additional fee imposed under
12 subsection 1.5 of this Section, the fee shall be remitted by
13 the circuit clerk to the State Treasurer within one month after
14 receipt for deposit into the State Police Operations Assistance
15 Fund.

16 6. With respect to the additional fees imposed under
17 subsection 1.5 of this Section, the Director of State Police
18 may direct the use of these fees for homeland security purposes
19 by transferring these fees on a quarterly basis from the State
20 Police Operations Assistance Fund into the Illinois Law
21 Enforcement Alarm Systems (ILEAS) Fund for homeland security
22 initiatives programs. The transferred fees shall be allocated,
23 subject to the approval of the ILEAS Executive Board, as
24 follows: (i) 66.6% shall be used for homeland security
25 initiatives and (ii) 33.3% shall be used for airborne
26 operations. The ILEAS Executive Board shall annually supply the

1 Director of State Police with a report of the use of these
2 fees.

3 7. ~~6.~~ With respect to the additional fee imposed under
4 subsection 1.6 of this Section, the fee shall be remitted by
5 the circuit clerk to the State Treasurer within one month after
6 receipt for deposit into the Conservation Police Operations
7 Assistance Fund.

8 (Source: P.A. 96-1029, eff. 7-13-10; 97-46, eff. 7-1-12;
9 97-453, eff. 8-19-11; revised 10-4-11.)

10 Section 10. The Probation and Probation Officers Act is
11 amended by changing Section 15.1 as follows:

12 (730 ILCS 110/15.1) (from Ch. 38, par. 204-7.1)

13 Sec. 15.1. Probation and Court Services Fund.

14 (a) The county treasurer in each county shall establish a
15 probation and court services fund consisting of fees collected
16 pursuant to subsection (i) of Section 5-6-3 and subsection (i)
17 of Section 5-6-3.1 of the Unified Code of Corrections,
18 subsection (10) of Section 5-615 and subsection (5) of Section
19 5-715 of the Juvenile Court Act of 1987, and paragraph 14.3 of
20 subsection (b) of Section 110-10 of the Code of Criminal
21 Procedure of 1963. The county treasurer shall disburse monies
22 from the fund only at the direction of the chief judge of the
23 circuit court in such circuit where the county is located. The
24 county treasurer of each county shall, on or before January 10

1 of each year, submit an annual report to the Supreme Court.

2 (b) Monies in the probation and court services fund shall
3 be appropriated by the county board to be used within the
4 county or jurisdiction where collected in accordance with
5 policies and guidelines approved by the Supreme Court for the
6 costs of operating the probation and court services department
7 or departments; however, except as provided in subparagraphs
8 ~~subparagraph~~ (g) and (h), monies in the probation and court
9 services fund shall not be used for the payment of salaries of
10 probation and court services personnel.

11 (c) Monies expended from the probation and court services
12 fund shall be used to supplement, not supplant, county
13 appropriations for probation and court services.

14 (d) Interest earned on monies deposited in a probation and
15 court services fund may be used by the county for its ordinary
16 and contingent expenditures.

17 (e) The county board may appropriate moneys from the
18 probation and court services fund, upon the direction of the
19 chief judge, to support programs that are part of the continuum
20 of juvenile delinquency intervention programs which are or may
21 be developed within the county. The grants from the probation
22 and court services fund shall be for no more than one year and
23 may be used for any expenses attributable to the program
24 including administration and oversight of the program by the
25 probation department.

26 (f) The county board may appropriate moneys from the

1 probation and court services fund, upon the direction of the
2 chief judge, to support practices endorsed or required under
3 the Sex Offender Management Board Act, including but not
4 limited to sex offender evaluation, treatment, and monitoring
5 programs that are or may be developed within the county.

6 (g) For the State Fiscal Years 2005, 2006, and 2007 only,
7 the Administrative Office of the Illinois Courts may permit a
8 county or circuit to use its probation and court services fund
9 for the payment of salaries of probation officers and other
10 court services personnel whose salaries are reimbursed under
11 this Act if the State's FY2005, FY2006, or FY2007 appropriation
12 to the Supreme Court for reimbursement to counties for
13 probation salaries and services is less than the amount
14 appropriated to the Supreme Court for these purposes for State
15 Fiscal Year 2004. The Administrative Office of the Illinois
16 Courts shall take into account each county's or circuit's
17 probation fee collections and expenditures when apportioning
18 the total reimbursement for each county or circuit.

19 (h) The Administrative Office of the Illinois Courts may
20 permit a county or circuit to use its probation and court
21 services fund for the payment of salaries of probation officers
22 and other court services personnel whose salaries are
23 reimbursed under this Act in any State fiscal year that the
24 appropriation for reimbursement to counties for probation
25 salaries and services is less than the amount appropriated to
26 the Supreme Court for these purposes for State Fiscal Year

1 2002, except that the Administrative Office of the Illinois
2 Courts shall adjust this amount appropriated in 2002 by 3% per
3 year and may continue to permit use of the probation and court
4 services fund for salaries in any State fiscal year where the
5 State reimbursement to counties is regularly delayed more than
6 4 months. The Administrative Office of the Illinois Courts
7 shall take into account each county's or circuit's probation
8 fee collections and expenditures when appropriating the total
9 reimbursement for each county or circuit. Any amount
10 appropriated to the Supreme Court in any State fiscal year for
11 the purpose of reimbursing Cook County for the salaries and
12 operations of the Cook County Juvenile Temporary Detention
13 Center shall not be counted in the total appropriation to the
14 Supreme Court in that State fiscal year for reimbursement to
15 counties for probation salaries and services, for the purposes
16 of this paragraph (h).

17 (Source: P.A. 94-91, eff. 7-1-05; 94-839, eff. 6-6-06; 95-707,
18 eff. 1-11-08.)

19 Section 95. No acceleration or delay. Where this Act makes
20 changes in a statute that is represented in this Act by text
21 that is not yet or no longer in effect (for example, a Section
22 represented by multiple versions), the use of that text does
23 not accelerate or delay the taking effect of (i) the changes
24 made by this Act or (ii) provisions derived from any other
25 Public Act.

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.