

**SB2467**



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**SB2467**

Introduced 1/18/2006, by Sen. John J. Millner

**SYNOPSIS AS INTRODUCED:**

55 ILCS 5/4-2002

from Ch. 34, par. 4-2002

Amends the Counties Code. Authorizes State's Attorneys to collect a \$2 fee from defendants found guilty or granted supervision for violation of certain offenses. Provides for a special fund and use of the moneys for records automation.

LRB094 17777 HLH 53076 b

FISCAL NOTE ACT  
MAY APPLY

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 4-2002 as follows:

6 (55 ILCS 5/4-2002) (from Ch. 34, par. 4-2002)

7 Sec. 4-2002. State's attorney fees in counties under  
8 3,000,000 population. This Section applies only to counties  
9 with fewer than 3,000,000 inhabitants.

10 (a) State's attorneys shall be entitled to the following  
11 fees, however, the fee requirement of this subsection does not  
12 apply to county boards:

13 A \$2 fee to be paid by the defendant on a judgement of  
14 guilty or a grant of supervision for a violation of any  
15 provision of the Illinois Vehicle Code or any felony,  
16 misdemeanor, or petty offense to discharge the expenses of the  
17 State's Attorney's office for establishing and maintaining  
18 automated records keeping systems. Such fee shall be remitted  
19 monthly to the County Treasurer, to be retained by him or her  
20 in a special fund designated as the State's Attorney records  
21 automation fund. Expenditures from this fund may be made by the  
22 State's Attorney for hardware, software, research, and  
23 development costs and related personnel.

24 For each conviction in prosecutions on indictments for  
25 first degree murder, second degree murder, involuntary  
26 manslaughter, criminal sexual assault, aggravated criminal  
27 sexual assault, aggravated criminal sexual abuse, kidnapping,  
28 arson and forgery, \$30. All other cases punishable by  
29 imprisonment in the penitentiary, \$30.

30 For each conviction in other cases tried before judges of  
31 the circuit court, \$15; except that if the conviction is in a  
32 case which may be assigned to an associate judge, whether or

1 not it is in fact assigned to an associate judge, the fee shall  
2 be \$10.

3 For preliminary examinations for each defendant held to  
4 bail or recognizance, \$10.

5 For each examination of a party bound over to keep the  
6 peace, \$10.

7 For each defendant held to answer in a circuit court on a  
8 charge of paternity, \$10.

9 For each trial on a charge of paternity, \$30.

10 For each case of appeal taken from his county or from the  
11 county to which a change of venue is taken to his county to the  
12 Supreme or Appellate Court when prosecuted or defended by him,  
13 \$50.

14 For each day actually employed in the trial of a case, \$25;  
15 in which case the court before whom the case is tried shall  
16 make an order specifying the number of days for which a per  
17 diem shall be allowed.

18 For each day actually employed in the trial of cases of  
19 felony arising in their respective counties and taken by change  
20 of venue to another county, \$25; and the court before whom the  
21 case is tried shall make an order specifying the number of days  
22 for which said per diem shall be allowed; and it is hereby made  
23 the duty of each State's attorney to prepare and try each case  
24 of felony arising when so taken by change of venue.

25 For assisting in a trial of each case on an indictment for  
26 felony brought by change of venue to their respective counties,  
27 the same fees they would be entitled to if such indictment had  
28 been found for an offense committed in his county, and it shall  
29 be the duty of the State's attorney of the county to which such  
30 cause is taken by change of venue to assist in the trial  
31 thereof.

32 For each case of forfeited recognizance where the  
33 forfeiture is set aside at the instance of the defense, in  
34 addition to the ordinary costs, \$10 for each defendant.

35 For each proceeding in a circuit court to inquire into the  
36 alleged mental illness of any person, \$10 for each defendant.

1 For each proceeding in a circuit court to inquire into the  
2 alleged dependency or delinquency of any child, \$10.

3 For each day actually employed in the hearing of a case of  
4 habeas corpus in which the people are interested, \$25.

5 All the foregoing fees shall be taxed as costs to be  
6 collected from the defendant, if possible, upon conviction. But  
7 in cases of inquiry into the mental illness of any person  
8 alleged to be mentally ill, in cases on a charge of paternity  
9 and in cases of appeal in the Supreme or Appellate Court, where  
10 judgment is in favor of the accused, the fees allowed the  
11 State's attorney therein shall be retained out of the fines and  
12 forfeitures collected by them in other cases.

13 Ten per cent of all moneys except revenue, collected by  
14 them and paid over to the authorities entitled thereto, which  
15 per cent together with the fees provided for herein that are  
16 not collected from the parties tried or examined, shall be paid  
17 out of any fines and forfeited recognizances collected by them,  
18 provided however, that in proceedings to foreclose the lien of  
19 delinquent real estate taxes State's attorneys shall receive a  
20 fee, to be credited to the earnings of their office, of 10% of  
21 the total amount realized from the sale of real estate sold in  
22 such proceedings. Such fees shall be paid from the total amount  
23 realized from the sale of the real estate sold in such  
24 proceedings.

25 State's attorneys shall have a lien for their fees on all  
26 judgments for fines or forfeitures procured by them and on  
27 moneys except revenue received by them until such fees and  
28 earnings are fully paid.

29 No fees shall be charged on more than 10 counts in any one  
30 indictment or information on trial and conviction; nor on more  
31 than 10 counts against any one defendant on pleas of guilty.

32 The Circuit Court may direct that of all monies received,  
33 by restitution or otherwise, which monies are ordered paid to  
34 the Department of Healthcare and Family Services (formerly  
35 Department of Public Aid) or the Department of Human Services  
36 (acting as successor to the Department of Public Aid under the

1 Department of Human Services Act) as a direct result of the  
2 efforts of the State's attorney and which payments arise from  
3 Civil or Criminal prosecutions involving the Illinois Public  
4 Aid Code or the Criminal Code, the following amounts shall be  
5 paid quarterly by the Department of Healthcare and Family  
6 Services ~~Public Aid~~ or the Department of Human Services to the  
7 General Corporate Fund of the County in which the prosecution  
8 or cause of action took place:

9 (1) where the monies result from child support  
10 obligations, not more than 25% of the federal share of the  
11 monies received,

12 (2) where the monies result from other than child  
13 support obligations, not more than 25% of the State's share  
14 of the monies received.

15 (b) A municipality shall be entitled to a \$10 prosecution  
16 fee for each conviction for a violation of The Illinois Vehicle  
17 Code prosecuted by the municipal attorney pursuant to Section  
18 16-102 of that Code which is tried before a circuit or  
19 associate judge and shall be entitled to a \$10 prosecution fee  
20 for each conviction for a violation of a municipal vehicle  
21 ordinance or nontraffic ordinance prosecuted by the municipal  
22 attorney which is tried before a circuit or associate judge.  
23 Such fee shall be taxed as costs to be collected from the  
24 defendant, if possible, upon conviction. A municipality shall  
25 have a lien for such prosecution fees on all judgments or fines  
26 procured by the municipal attorney from prosecutions for  
27 violations of The Illinois Vehicle Code and municipal vehicle  
28 ordinances or nontraffic ordinances.

29 For the purposes of this subsection (b), "municipal vehicle  
30 ordinance" means any ordinance enacted pursuant to Sections  
31 11-40-1, 11-40-2, 11-40-2a and 11-40-3 of the Illinois  
32 Municipal Code or any ordinance enacted by a municipality which  
33 is similar to a provision of Chapter 11 of The Illinois Vehicle  
34 Code.

35 (Source: P.A. 88-572, eff. 8-11-94; 89-507, eff. 7-1-97;  
36 revised 12-15-05.)