



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB2752

Introduced 1/20/2006, by Sen. Dale A. Righter

SYNOPSIS AS INTRODUCED:

705 ILCS 105/27.1a	from Ch. 25, par. 27.1a
705 ILCS 105/27.3a	from Ch. 25, par. 27.3a
705 ILCS 105/27.3c	from Ch. 25, par. 27.3c

Amends the Clerks of Courts Act. Provides for changes in fees or new fees that may be charged by a circuit clerk in counties of 500,000 inhabitants or less such as: a petition to seal records, the amount charged by the Department of State Police for sealing records; accounts or reports, \$60 (now, from \$10 to \$25); and estate claims, not more than \$60 (now, sliding scale with maximum fee of \$60). Makes other related changes. Provides for the audit by an outside auditor of the court automation fund; the outside auditor may be assisted by the county auditor, if any. Effective immediately.

LRB094 16652 AJO 51920 b

FISCAL NOTE ACT
MAY APPLY

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. The Clerks of Courts Act is amended by changing
5 Sections 27.1, 27.1a, 27.3a, and 27.3c as follows:

6 (705 ILCS 105/27.1a) (from Ch. 25, par. 27.1a)

7 Sec. 27.1a. Fees; counties of not more than 500,000
8 inhabitants.

9 The fees of the clerks of the circuit court in all counties
10 having a population of not more than 500,000 inhabitants in the
11 instances described in this Section shall be as provided in
12 this Section. In those instances where a minimum and maximum
13 fee is stated, the clerk of the circuit court must charge the
14 minimum fee listed and may charge up to the maximum fee if the
15 county board has by resolution increased the fee. The fees
16 shall be paid in advance and shall be as follows:

17 (a) Civil Cases.

18 The fee for filing a complaint, petition, or other
19 pleading initiating a civil action, with the following
20 exceptions, shall be a minimum of \$40 and a maximum of
21 \$160.

22 (A) When the amount of money or damages or the
23 value of personal property claimed does not exceed
24 \$250, \$10.

25 (B) When that amount exceeds \$250 but does not
26 exceed \$500, a minimum of \$10 and a maximum of \$20.

27 (C) When that amount exceeds \$500 but does not
28 exceed \$2500, a minimum of \$25 and a maximum of \$40.

29 (D) When that amount exceeds \$2500 but does not
30 exceed \$15,000, a minimum of \$25 and a maximum of \$75.

31 (D-1) When that amount exceeds \$15,000 but does not
32 exceed \$50,000, a minimum of \$40 and a maximum of \$160.

1 (E) For the exercise of eminent domain, a minimum
2 of \$45 and a maximum of \$150. For each additional lot
3 or tract of land or right or interest therein subject
4 to be condemned, the damages in respect to which shall
5 require separate assessment by a jury, a minimum of \$45
6 and a maximum of \$150.

7 (a-1) Family.

8 For filing a petition under the Juvenile Court Act of
9 1987, \$25.

10 For filing a petition for a marriage license, \$10.

11 For performing a marriage in court, \$10.

12 For filing a petition under the Illinois Parentage Act
13 of 1984, \$40.

14 (b) Forcible Entry and Detainer.

15 In each forcible entry and detainer case when the
16 plaintiff seeks possession only or unites with his or her
17 claim for possession of the property a claim for rent or
18 damages or both in the amount of \$15,000 or less, a minimum
19 of \$10 and a maximum of \$50. When the plaintiff unites his
20 or her claim for possession with a claim for rent or
21 damages or both exceeding \$15,000, a minimum of \$40 and a
22 maximum of \$160.

23 (c) Counterclaim or Joining Third Party Defendant.

24 When any defendant files a counterclaim as part of his
25 or her answer or otherwise or joins another party as a
26 third party defendant, or both, the defendant shall pay a
27 fee for each counterclaim or third party action in an
28 amount equal to the fee he or she would have had to pay had
29 he or she brought a separate action for the relief sought
30 in the counterclaim or against the third party defendant,
31 less the amount of the appearance fee, if that has been
32 paid.

33 (d) Confession of Judgment.

34 In a confession of judgment when the amount does not
35 exceed \$1500, a minimum of \$20 and a maximum of \$50. When
36 the amount exceeds \$1500, but does not exceed \$15,000, a

1 minimum of \$40 and a maximum of \$115. When the amount
2 exceeds \$15,000, a minimum of \$40 and a maximum of \$200.

3 (e) Appearance.

4 The fee for filing an appearance in each civil case
5 shall be a minimum of \$15 and a maximum of \$60, except as
6 follows:

7 (A) When the plaintiff in a forcible entry and
8 detainer case seeks possession only, a minimum of \$10
9 and a maximum of \$50.

10 (B) When the amount in the case does not exceed
11 \$1500, a minimum of \$10 and a maximum of \$30.

12 (C) When that amount exceeds \$1500 but does not
13 exceed \$15,000, a minimum of \$15 and a maximum of \$60.

14 (f) Garnishment, Wage Deduction, and Citation.

15 In garnishment affidavit, wage deduction affidavit,
16 and citation petition when the amount does not exceed
17 \$1,000, a minimum of \$5 and a maximum of \$15; when the
18 amount exceeds \$1,000 but does not exceed \$5,000, a minimum
19 of \$5 and a maximum of \$30; and when the amount exceeds
20 \$5,000, a minimum of \$5 and a maximum of \$50.

21 (g) Petition to Vacate or Modify.

22 (1) Petition to vacate or modify any final judgment or
23 order of court, except in forcible entry and detainer cases
24 and small claims cases or a petition to reopen an estate,
25 to modify, terminate, or enforce a judgment or order for
26 child or spousal support, or to modify, suspend, or
27 terminate an order for withholding, if filed before 30 days
28 after the entry of the judgment or order, a minimum of \$20
29 and a maximum of \$50.

30 (2) Petition to vacate or modify any final judgment or
31 order of court, except a petition to modify, terminate, or
32 enforce a judgment or order for child or spousal support or
33 to modify, suspend, or terminate an order for withholding,
34 if filed later than 30 days after the entry of the judgment
35 or order, a minimum of \$20 and a maximum of \$75.

36 (3) Petition to vacate order of bond forfeiture, a

1 minimum of \$10 and a maximum of \$40.

2 (h) Mailing.

3 When the clerk is required to mail, the fee will be a
4 minimum of \$2 and a maximum of \$10, plus the cost of
5 postage.

6 (i) Certified Copies.

7 Each certified copy of a judgment after the first,
8 except in small claims and forcible entry and detainer
9 cases, a minimum of \$2 and a maximum of \$10.

10 (j) Habeas Corpus.

11 For filing a petition for relief by habeas corpus, a
12 minimum of \$60 and a maximum of \$100.

13 (k) Certification, Authentication, and Reproduction.

14 (1) Each certification or authentication for taking
15 the acknowledgment of a deed or other instrument in writing
16 with the seal of office, a minimum of \$2 and a maximum of
17 \$6.

18 (2) Court appeals when original documents are
19 forwarded, under 100 pages, plus delivery and costs, a
20 minimum of \$20 and a maximum of \$60.

21 (3) Court appeals when original documents are
22 forwarded, over 100 pages, plus delivery and costs, a
23 minimum of \$50 and a maximum of \$150.

24 (4) Court appeals when original documents are
25 forwarded, over 200 pages, an additional fee of a minimum
26 of 20 cents and a maximum of 25 cents per page.

27 (5) For reproduction of any document contained in the
28 clerk's files:

29 (A) First page, a minimum of \$1 and a maximum of
30 \$2.

31 (B) Next 19 pages, 50 cents per page.

32 (C) All remaining pages, 25 cents per page.

33 (l) Remands.

34 In any cases remanded to the Circuit Court from the
35 Supreme Court or the Appellate Court for a new trial, the
36 clerk shall file the remanding order and reinstate the case

1 with either its original number or a new number. The Clerk
2 shall not charge any new or additional fee for the
3 reinstatement. Upon reinstatement the Clerk shall advise
4 the parties of the reinstatement. A party shall have the
5 same right to a jury trial on remand and reinstatement as
6 he or she had before the appeal, and no additional or new
7 fee or charge shall be made for a jury trial after remand.

8 (m) Record Search.

9 For each record search, within a division or municipal
10 district, the clerk shall be entitled to a search fee of a
11 minimum of \$4 and a maximum of \$6 for each year searched.

12 (n) Hard Copy.

13 For each page of hard copy print output, when case
14 records are maintained on an automated medium, the clerk
15 shall be entitled to a fee of a minimum of \$4 and a maximum
16 of \$6.

17 (o) Index Inquiry and Other Records.

18 No fee shall be charged for a single
19 plaintiff/defendant index inquiry or single case record
20 inquiry when this request is made in person and the records
21 are maintained in a current automated medium, and when no
22 hard copy print output is requested. The fees to be charged
23 for management records, multiple case records, and
24 multiple journal records may be specified by the Chief
25 Judge pursuant to the guidelines for access and
26 dissemination of information approved by the Supreme
27 Court.

28 (p) (Blank).

29 ~~a minimum of \$25 and a maximum of \$50~~

30 (q) Alias Summons.

31 For each alias summons or citation issued by the clerk,
32 a minimum of \$2 and a maximum of \$5.

33 (r) Other Fees.

34 Any fees not covered in this Section shall be set by
35 rule or administrative order of the Circuit Court with the
36 approval of the Administrative Office of the Illinois

1 Courts.

2 The clerk of the circuit court may provide additional
3 services for which there is no fee specified by statute in
4 connection with the operation of the clerk's office as may
5 be requested by the public and agreed to by the clerk and
6 approved by the chief judge of the circuit court. Any
7 charges for additional services shall be as agreed to
8 between the clerk and the party making the request and
9 approved by the chief judge of the circuit court. Nothing
10 in this subsection shall be construed to require any clerk
11 to provide any service not otherwise required by law.

12 (s) Jury Services.

13 The clerk shall be entitled to receive, in addition to
14 other fees allowed by law, the sum of a minimum of \$62.50
15 and a maximum of \$212.50, as a fee for the services of a
16 jury in every civil action not quasi-criminal in its nature
17 and not a proceeding for the exercise of the right of
18 eminent domain and in every other action wherein the right
19 of trial by jury is or may be given by law. The jury fee
20 shall be paid by the party demanding a jury at the time of
21 filing the jury demand. If the fee is not paid by either
22 party, no jury shall be called in the action or proceeding,
23 and the same shall be tried by the court without a jury.

24 (t) Voluntary Assignment.

25 For filing each deed of voluntary assignment, a minimum
26 of \$10 and a maximum of \$20; for recording the same, a
27 minimum of 25 cents and a maximum of 50 cents for each 100
28 words. Exceptions filed to claims presented to an assignee
29 of a debtor who has made a voluntary assignment for the
30 benefit of creditors shall be considered and treated, for
31 the purpose of taxing costs therein, as actions in which
32 the party or parties filing the exceptions shall be
33 considered as party or parties plaintiff, and the claimant
34 or claimants as party or parties defendant, and those
35 parties respectively shall pay to the clerk the same fees
36 as provided by this Section to be paid in other actions.

1 (u) Expungement Petition; petition to seal records.

2 (1) The clerk shall be entitled to receive a fee of a
3 minimum of \$15 and a maximum of \$60 for each expungement
4 petition filed and an additional fee of a minimum of \$2 and
5 a maximum of \$4 for each certified copy of an order to
6 expunge arrest records.

7 (2) Notwithstanding any provisions of this Act to the
8 contrary, and subject to the approval of the county board,
9 the clerk may charge a fee equivalent to the cost
10 associated with the sealing of records by the clerk and the
11 Department of State Police. The clerk shall forward the
12 Department of State Police portion of the fee to the
13 Department and it shall be deposited into the State Police
14 Service Fund.

15 (v) Probate.

16 The clerk is entitled to receive the fees specified in
17 this subsection (v), which shall be paid in advance, except
18 that, for good cause shown, the court may suspend, reduce,
19 or release the costs payable under this subsection:

20 (1) For administration of the estate of a decedent
21 (whether testate or intestate) or of a missing person, a
22 minimum of \$50 and a maximum of \$150, plus the fees
23 specified in subsection (v) (3), except:

24 (A) (Blank). ~~When the value of the real and~~
25 ~~personal property does not exceed \$15,000, the fee~~
26 ~~shall be a minimum of \$25 and a maximum of \$40.~~

27 (B) When (i) proof of heirship alone is made, (ii)
28 a domestic or foreign will is admitted to probate
29 without administration (including proof of heirship),
30 or (iii) letters of office are issued for a particular
31 purpose without administration of the estate, the fee
32 shall be a minimum of \$10 and a maximum of \$40.

33 (C) For filing a petition to sell Real Estate, when
34 the original will does not specifically authorize the
35 executor to sell real estate, \$50.

36 (2) For administration of the estate of a ward, a

1 minimum of \$50 and a maximum of \$75, plus the fees
2 specified in subsection (v) (3), except:

3 (A) (Blank). ~~When the value of the real and~~
4 ~~personal property does not exceed \$15,000, the fee~~
5 ~~shall be a minimum of \$25 and a maximum of \$40.~~

6 (B) When (i) letters of office are issued to a
7 guardian of the person or persons, but not of the
8 estate or (ii) letters of office are issued in the
9 estate of a ward without administration of the estate,
10 including filing or joining in the filing of a tax
11 return or releasing a mortgage or consenting to the
12 marriage of the ward, the fee shall be a minimum of \$10
13 and a maximum of \$20.

14 (C) For filing a Petition to sell Real Estate, \$50.

15 (3) In addition to the fees payable under subsection
16 (v) (1) or (v) (2) of this Section, the following fees are
17 payable:

18 (A) For each account or report (other than one
19 final account or report) filed in the estate of a
20 decedent, or ward, a fee of not more than \$60 ~~a minimum~~
21 ~~of \$10 and a maximum of \$25.~~

22 (B) For filing a claim in an estate a fee of not
23 more than \$60 ~~when the amount claimed is \$150 or more~~
24 ~~but less than \$500, a minimum of \$10 and a maximum of~~
25 ~~\$25; when the amount claimed is \$500 or more but less~~
26 ~~than \$10,000, a minimum of \$10 and a maximum of \$40;~~
27 ~~when the amount claimed is \$10,000 or more, a minimum~~
28 ~~of \$10 and a maximum of \$60; provided that the court in~~
29 ~~allowing a claim may add to the amount allowed the~~
30 ~~filing fee paid by the claimant.~~

31 (C) For filing in an estate a claim, petition, or
32 supplemental proceeding based upon an action seeking
33 equitable relief including the construction or contest
34 of a will, enforcement of a contract to make a will,
35 and proceedings involving testamentary trusts or the
36 appointment of testamentary trustees, a fee of not more

1 ~~than \$60 a minimum of \$40 and a maximum of \$60.~~

2 (D) For filing in an estate (i) the appearance of
3 any person for the purpose of consent or (ii) the
4 appearance of an executor, administrator,
5 administrator to collect, guardian, guardian ad litem,
6 or special administrator, no fee.

7 (E) Except as provided in subsection (v) (3) (D),
8 for filing the appearance of any person or persons, a
9 fee of not more than \$30 ~~a minimum of \$10 and a maximum~~
10 ~~of \$30.~~

11 (F) For each jury demand, a minimum of \$62.50 and a
12 maximum of \$137.50.

13 (G) For disposition of the collection of a judgment
14 or settlement of an action or claim for wrongful death
15 of a decedent or of any cause of action of a ward, when
16 there is no other administration of the estate, a fee
17 of not more than \$50 ~~a minimum of \$30 and a maximum of~~
18 ~~\$50~~, less any amount paid under subsection (v) (1) (B) or
19 (v) (2) (B) ~~except that if the amount involved does not~~
20 ~~exceed \$5,000, the fee, including any amount paid under~~
21 ~~subsection (v) (1) (B) or (v) (2) (B), shall be a minimum~~
22 ~~of \$10 and a maximum of \$20.~~

23 (H) For each certified copy of letters of office,
24 of court order or other certification, a minimum of \$1
25 and a maximum of \$2, plus a minimum of 50 cents and a
26 maximum of \$1 per page in excess of 3 pages for the
27 document certified.

28 (I) For each exemplification, a minimum of \$1 and a
29 maximum of \$2, plus the fee for certification.

30 (4) The executor, administrator, guardian, petitioner,
31 or other interested person or his or her attorney shall pay
32 the cost of publication by the clerk directly to the
33 newspaper.

34 (5) The person on whose behalf a charge is incurred for
35 witness, court reporter, appraiser, or other miscellaneous
36 fee shall pay the same directly to the person entitled

1 thereto.

2 (6) The executor, administrator, guardian, petitioner,
3 or other interested person or his or her attorney shall pay
4 to the clerk all postage charges incurred by the clerk in
5 mailing petitions, orders, notices, or other documents
6 pursuant to the provisions of the Probate Act of 1975.

7 (w) Criminal and Quasi-Criminal Costs and Fees.

8 (1) The clerk shall be entitled to costs in all
9 criminal and quasi-criminal cases from each person
10 convicted or sentenced to supervision therein as follows:

11 (A) Felony complaints, a minimum of \$40 and a
12 maximum of \$100.

13 (B) Misdemeanor complaints, a minimum of \$25 and a
14 maximum of \$75.

15 (C) Business offense complaints, a minimum of \$25
16 and a maximum of \$75.

17 (D) Petty offense complaints, a minimum of \$25 and
18 a maximum of \$75.

19 (E) Minor traffic or ordinance violations, \$10.

20 (F) When court appearance required, \$15.

21 (G) Motions to vacate or amend final orders, a
22 minimum of \$20 and a maximum of \$40.

23 (H) Motions to vacate bond forfeiture orders, a
24 minimum of \$20 and a maximum of \$40.

25 (I) Motions to vacate ex parte judgments, whenever
26 filed, a minimum of \$20 and a maximum of \$40.

27 (J) Motions to vacate judgment on forfeitures,
28 whenever filed, a minimum of \$20 and a maximum of \$40.

29 (K) Motions to vacate "failure to appear" or
30 "failure to comply" notices sent to the Secretary of
31 State, a minimum of \$20 and a maximum of \$40.

32 (2) In counties having a population of not more than
33 500,000 inhabitants, when the violation complaint is
34 issued by a municipal police department, the clerk shall be
35 entitled to costs from each person convicted therein as
36 follows:

1 (A) Minor traffic or ordinance violations, \$10.

2 (B) When court appearance required, \$15.

3 (3) In ordinance violation cases punishable by fine
4 only, the clerk of the circuit court shall be entitled to
5 receive, unless the fee is excused upon a finding by the
6 court that the defendant is indigent, in addition to other
7 fees or costs allowed or imposed by law, the sum of a
8 minimum of \$62.50 and a maximum of \$137.50 as a fee for the
9 services of a jury. The jury fee shall be paid by the
10 defendant at the time of filing his or her jury demand. If
11 the fee is not so paid by the defendant, no jury shall be
12 called, and the case shall be tried by the court without a
13 jury.

14 (x) Transcripts of Judgment.

15 For the filing of a transcript of judgment, the clerk
16 shall be entitled to the same fee as if it were the
17 commencement of a new suit.

18 (y) Change of Venue.

19 (1) For the filing of a change of case on a change of
20 venue, the clerk shall be entitled to the same fee as if it
21 were the commencement of a new suit.

22 (2) The fee for the preparation and certification of a
23 record on a change of venue to another jurisdiction, when
24 original documents are forwarded, a minimum of \$10 and a
25 maximum of \$40.

26 (z) Tax objection complaints.

27 For each tax objection complaint containing one or more
28 tax objections, regardless of the number of parcels
29 involved or the number of taxpayers joining on the
30 complaint, a minimum of \$10 and a maximum of \$50.

31 (aa) Tax Deeds.

32 (1) Petition for tax deed, if only one parcel is
33 involved, a minimum of \$45 and a maximum of \$200.

34 (2) For each additional parcel, add a fee of a minimum
35 of \$10 and a maximum of \$60.

36 (bb) Collections.

1 (1) For all collections made for ~~of~~ others, except the
2 State and county and except in maintenance or child support
3 cases, a sum equal to a minimum of 2% and a maximum of 2.5%
4 of the amount collected and turned over.

5 (2) Interest earned on any funds held by the clerk,
6 including funds held for others, shall be turned over to
7 the county general fund as an earning of the office.

8 (3) For any check, draft, or other bank instrument
9 returned to the clerk for non-sufficient funds, account
10 closed, or payment stopped, \$25.

11 (4) In child support and maintenance cases, the clerk,
12 if authorized by an ordinance of the county board, may
13 collect an annual fee of up to \$36 from the person making
14 payment for maintaining child support records and the
15 processing of support orders to the State of Illinois KIDS
16 system and the recording of payments issued by the State
17 Disbursement Unit for the official record of the Court.
18 This fee shall be in addition to and separate from amounts
19 ordered to be paid as maintenance or child support and
20 shall be deposited into a Separate Maintenance and Child
21 Support Collection Fund, of which the clerk shall be the
22 custodian, ex-officio, to be used by the clerk to maintain
23 child support orders and record all payments issued by the
24 State Disbursement Unit for the official record of the
25 Court. The clerk may recover from the person making the
26 maintenance or child support payment any additional cost
27 incurred in the collection of this annual fee.

28 The clerk shall also be entitled to a fee of \$5 for
29 certifications made to the Secretary of State as provided
30 in Section 7-703 of the Family Financial Responsibility Law
31 and these fees shall also be deposited into the Separate
32 Maintenance and Child Support Collection Fund.

33 (cc) Corrections of Numbers.

34 For correction of the case number, case title, or
35 attorney computer identification number, if required by
36 rule of court, on any document filed in the clerk's office,

1 to be charged against the party that filed the document, a
2 minimum of \$10 and a maximum of \$25.

3 (dd) Exceptions.

4 (1) The fee requirements of this Section shall not
5 apply to police departments or other law enforcement
6 agencies. In this Section, "law enforcement agency" means
7 an agency of the State or a unit of local government which
8 is vested by law or ordinance with the duty to maintain
9 public order and to enforce criminal laws or ordinances.
10 "Law enforcement agency" also means the Attorney General or
11 any state's attorney.

12 (2) No fee provided herein shall be charged to any unit
13 of local government or school district.

14 (3) The fee requirements of this Section shall not
15 apply to any action instituted under subsection (b) of
16 Section 11-31-1 of the Illinois Municipal Code by a private
17 owner or tenant of real property within 1200 feet of a
18 dangerous or unsafe building seeking an order compelling
19 the owner or owners of the building to take any of the
20 actions authorized under that subsection.

21 (4) The fee requirements of this Section shall not
22 apply to the filing of any commitment petition or petition
23 for an order authorizing the administration of authorized
24 involuntary treatment in the form of medication under the
25 Mental Health and Developmental Disabilities Code.

26 (ee) Adoptions.

27 (1) For an adoption \$65

28 (2) Upon good cause shown, the court may waive the
29 adoption filing fee in a special needs adoption. The term
30 "special needs adoption" shall have the meaning ascribed to
31 it by the Illinois Department of Children and Family
32 Services.

33 (ff) Adoption exemptions.

34 No fee other than that set forth in subsection (ee)
35 shall be charged to any person in connection with an
36 adoption proceeding nor may any fee be charged for

1 proceedings for the appointment of a confidential
2 intermediary under the Adoption Act.

3 (Source: P.A. 92-16, eff. 6-28-01; 92-521, eff. 6-1-02; 93-39,
4 eff. 7-1-03; 93-385, eff. 7-25-03; 93-573, eff. 8-21-03;
5 revised 9-5-03.)

6 (705 ILCS 105/27.3a) (from Ch. 25, par. 27.3a)

7 Sec. 27.3a. Fees for automated record keeping.

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

29 2. Each clerk shall commence such charges and collections
30 upon receipt of written notice from the chairman of the county
31 board together with a certified copy of the board's resolution,
32 which the clerk shall file of record in his office.

33 3. Such fees shall be in addition to all other fees and
34 charges of such clerks, and assessable as costs, and may be
35 waived only if the judge specifically provides for the waiver

1 of the court automation fee. The fees shall be remitted monthly
2 by such clerk to the county treasurer, to be retained by him in
3 a special fund designated as the court automation fund. The
4 fund shall be audited by the outside auditor retained for the
5 purpose of conducting the circuit clerk audit as detailed in
6 Section 27.8. The auditor may be assisted by the county
7 auditor, if any, and the board shall make expenditure from the
8 fund in payment of any cost related to the automation of court
9 records, including hardware, software, research and
10 development costs and personnel related thereto, provided that
11 the expenditure is approved by the clerk of the court and by
12 the chief judge of the circuit court or his designate.

13 4. Such fees shall not be charged in any matter coming to
14 any such clerk on change of venue, nor in any proceeding to
15 review the decision of any administrative officer, agency or
16 body.

17 (Source: P.A. 94-595, eff. 1-1-06.)

18 (705 ILCS 105/27.3c) (from Ch. 25, par. 27.3c)

19 Sec. 27.3c. Document storage system.

20 (a) The expense of establishing and maintaining a document
21 storage system in the offices of the circuit court clerks in
22 the several counties of this State shall be borne by the
23 county. To defray the expense in any county that elects to
24 establish a document storage system and convert the records of
25 the circuit court clerk to electronic or micrographic storage,
26 the county board may require the clerk of the circuit court in
27 its county to collect a court document fee of not less than \$1
28 nor more than \$15, to be charged and collected by the clerk of
29 the court. The fee shall be paid at the time of filing the
30 first pleading, paper, or other appearance filed by each party
31 in all civil cases or by the defendant in any felony,
32 misdemeanor, traffic, ordinance, or conservation matter on a
33 judgment of guilty or grant of supervision, provided that the
34 document storage system is in place or has been authorized by
35 the county board and 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. The fee shall be
3 collected in the manner in which all other fees or costs are
4 collected.

5 (b) Each clerk shall commence charges and collections of a
6 court document fee upon receipt of written notice from the
7 chairman of the county board together with a certified copy of
8 the board's resolution, which the clerk shall file of record in
9 his or her office.

10 (c) Court document fees shall be in addition to other fees
11 and charges of the clerk, shall be assessable as costs, and may
12 be waived only if the judge specifically provides for the
13 waiver of the court document storage fee. The fees shall be
14 remitted monthly by the clerk to the county treasurer, to be
15 retained by the treasurer in a special fund designated as the
16 Court Document Storage Fund. The fund shall be audited by the
17 outside auditor retained for the purpose of conducting the
18 circuit clerk audit as referenced in Section 27.8. The auditor
19 may be assisted by the county auditor, if any, and the board
20 shall make expenditures from the fund in payment of any costs
21 relative to the storage of court records, including hardware,
22 software, research and development costs, and related
23 personnel, provided that the expenditure is approved by the
24 clerk of the circuit court.

25 (d) A court document fee shall not be charged in any matter
26 coming to the clerk on change of venue or in any proceeding to
27 review the decision of any administrative officer, agency, or
28 body.

29 (Source: P.A. 94-596, eff. 1-1-06.)

30 Section 99. Effective date. This Act takes effect upon
31 becoming law.