



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB3957

Introduced 2/26/2009, by Rep. Jim Sacia

#### SYNOPSIS AS INTRODUCED:

735 ILCS 5/5-117

from Ch. 110, par. 5-117

Amends the Code of Civil Procedure. In connection with actions by or on behalf of the State, the Governor, or a county, provides that in proceedings to collect any delinquent tax, fee, utility charge or fine, proceedings resulting in a judgment of forfeiture, or proceedings to recover the cost of any court ordered service or restitution, the Attorney General or State's Attorney is entitled to recover reasonable attorney's fees as part of the costs assessed to the defendant. Effective immediately.

LRB096 08963 AJO 19101 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning civil law.

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

4 Section 5. The Code of Civil Procedure is amended by  
5 changing Section 5-117 as follows:

6 (735 ILCS 5/5-117) (from Ch. 110, par. 5-117)

7 Sec. 5-117. Action by State. In all actions commenced or to  
8 be commenced for and on behalf of the people of this state, or  
9 the governor thereof, or for or on behalf of any county of this  
10 state, or in the name of any person for the use of the people of  
11 this state, or any county, then and in every such case, if the  
12 plaintiff recovers in such action, the plaintiff shall recover  
13 costs as any other person in like cases; but if the action is  
14 voluntarily dismissed by the plaintiff or is dismissed for want  
15 of prosecution or judgment is entered against the plaintiff,  
16 the defendant shall not recover any costs whatever. In  
17 proceedings to collect any delinquent tax, fee, utility charge  
18 or fine, proceedings resulting in a judgment of forfeiture, or  
19 proceedings to recover the cost of any court ordered service or  
20 restitution, the Attorney General or State's Attorney is  
21 entitled to recover reasonable attorney's fees as part of the  
22 costs assessed to the defendant. Nothing in this section  
23 contained shall extend to any popular action, nor to any action

1 to be prosecuted by any person in behalf of himself or herself  
2 and the people or a county, upon any penal statute.

3 (Source: P.A. 83-707.)

4 Section 99. Effective date. This Act takes effect upon  
5 becoming law.