

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

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

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

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

7 1.1. Starting on the effective date of this amendatory Act
8 of the 97th General Assembly and pursuant to an administrative
9 order from the chief judge of the circuit or the presiding
10 judge of the county authorizing such collection, a clerk of the
11 circuit court in any county that imposes a fee pursuant to
12 subsection 1 of this Section shall also charge and collect an
13 additional \$10 operations fee for probation and court services
14 department operations, except as follows: such \$10 operations
15 fee shall not be charged and collected in cases governed by
16 Supreme Court Rule 529 and the bail amount is \$120 or less.

17 1.2. With respect to the fee imposed and collected under
18 subsection 1.1 of this Section, each clerk shall transfer all
19 fees monthly to the county treasurer for deposit into the
20 probation and court services fund created under Section 15.1 of
21 the Probation and Probation Officers Act.

22 1.5. Starting on the effective date of this amendatory Act
23 of the 96th General Assembly, a clerk of the circuit court in
24 any county that imposes a fee pursuant to subsection 1 of this
25 Section, shall charge and collect an additional fee in an
26 amount equal to the amount of the fee imposed pursuant to

1 subsection 1 of this Section. This additional fee shall be paid
2 by the defendant in any felony, traffic, misdemeanor, local
3 ordinance, or conservation case upon a judgment of guilty or
4 grant of supervision.

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

10 3. With respect to the fee imposed under subsection 1 of
11 this Section, such fees shall be in addition to all other fees
12 and charges of such clerks, and assessable as costs, and may be
13 waived only if the judge specifically provides for the waiver
14 of the court automation fee. The fees shall be remitted monthly
15 by such clerk to the county treasurer, to be retained by him in
16 a special fund designated as the court automation fund. The
17 fund shall be audited by the county auditor, and the board
18 shall make expenditure from the fund in payment of any cost
19 related to the automation of court records, including hardware,
20 software, research and development costs and personnel related
21 thereto, provided that the expenditure is approved by the clerk
22 of the court and by the chief judge of the circuit court or his
23 designate.

24 4. With respect to the fee imposed under subsection 1 of
25 this Section, such fees shall not be charged in any matter
26 coming to any such clerk on change of venue, nor in any

1 proceeding to review the decision of any administrative
2 officer, agency or body.

3 5. With respect to the additional fee imposed under
4 subsection 1.5 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 State Police Operations Assistance
7 Fund.

8 (Source: P.A. 96-1029, eff. 7-13-10.)

9 Section 5. The Probation and Probation Officers Act is
10 amended by changing Section 15.1 as follows:

11 (730 ILCS 110/15.1) (from Ch. 38, par. 204-7.1)

12 Sec. 15.1. Probation and Court Services Fund.

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

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

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

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

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

25 (f) The county board may appropriate moneys from the
26 probation and court services fund, upon the direction of the

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

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

18 (h) The Administrative Office of the Illinois Courts may
19 permit a county or circuit to use its probation and court
20 services fund for the payment of salaries of probation officers
21 and other court services personnel whose salaries are
22 reimbursed under this Act in any State fiscal year that the
23 appropriation for reimbursement to counties for probation
24 salaries and services is less than the amount appropriated to
25 the Supreme Court for these purposes for State Fiscal Year
26 2002, except that the Administrative Office of the Illinois

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

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

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.