



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB3215

by Rep. Dennis M. Reboletti

SYNOPSIS AS INTRODUCED:

705 ILCS 105/27.2	from Ch. 25, par. 27.2
705 ILCS 105/27.3a	
705 ILCS 105/27.3c	from Ch. 25, par. 27.3c

Amends the Clerks of Courts Act. Provides that certain fees and costs shall be assessed upon the court's judgment of guilty or grant of supervision on each offense (rather than "case" or "complaint"). Provides that the changes made by the amendatory Act are declarative of existing law.

LRB098 07064 HEP 37123 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 27.2, 27.3a, and 27.3c as follows:

6 (705 ILCS 105/27.2) (from Ch. 25, par. 27.2)

7 Sec. 27.2. The fees of the clerks of the circuit court in
8 all counties having a population in excess of 500,000
9 inhabitants but less than 3,000,000 inhabitants in the
10 instances described in this Section shall be as provided in
11 this Section. In those instances where a minimum and maximum
12 fee is stated, counties with more than 500,000 inhabitants but
13 less than 3,000,000 inhabitants must charge the minimum fee
14 listed in this Section and may charge up to the maximum fee if
15 the county board has by resolution increased the fee. In
16 addition, the minimum fees authorized in this Section shall
17 apply to all units of local government and school districts in
18 counties with more than 3,000,000 inhabitants. The fees shall
19 be paid in advance and shall be as follows:

20 (a) Civil Cases.

21 The fee for filing a complaint, petition, or other
22 pleading initiating a civil action, with the following
23 exceptions, shall be a minimum of \$150 and a maximum of

1 \$190.

2 (A) When the amount of money or damages or the
3 value of personal property claimed does not exceed
4 \$250, a minimum of \$10 and a maximum of \$15.

5 (B) When that amount exceeds \$250 but does not
6 exceed \$1,000, a minimum of \$20 and a maximum of \$40.

7 (C) When that amount exceeds \$1,000 but does not
8 exceed \$2500, a minimum of \$30 and a maximum of \$50.

9 (D) When that amount exceeds \$2500 but does not
10 exceed \$5,000, a minimum of \$75 and a maximum of \$100.

11 (D-5) When the amount exceeds \$5,000 but does not
12 exceed \$15,000, a minimum of \$75 and a maximum of \$150.

13 (E) For the exercise of eminent domain, \$150. For
14 each additional lot or tract of land or right or
15 interest therein subject to be condemned, the damages
16 in respect to which shall require separate assessment
17 by a jury, \$150.

18 (F) No fees shall be charged by the clerk to a
19 petitioner in any order of protection including, but
20 not limited to, filing, modifying, withdrawing,
21 certifying, or photocopying petitions for orders of
22 protection, or for issuing alias summons, or for any
23 related filing service, certifying, modifying,
24 vacating, or photocopying any orders of protection.

25 (b) Forcible Entry and Detainer.

26 In each forcible entry and detainer case when the

1 plaintiff seeks possession only or unites with his or her
2 claim for possession of the property a claim for rent or
3 damages or both in the amount of \$15,000 or less, a minimum
4 of \$40 and a maximum of \$75. When the plaintiff unites his
5 or her claim for possession with a claim for rent or
6 damages or both exceeding \$15,000, a minimum of \$150 and a
7 maximum of \$225.

8 (c) Counterclaim or Joining Third Party Defendant.

9 When any defendant files a counterclaim as part of his
10 or her answer or otherwise or joins another party as a
11 third party defendant, or both, the defendant shall pay a
12 fee for each counterclaim or third party action in an
13 amount equal to the fee he or she would have had to pay had
14 he or she brought a separate action for the relief sought
15 in the counterclaim or against the third party defendant,
16 less the amount of the appearance fee, if that has been
17 paid.

18 (d) Confession of Judgment.

19 In a confession of judgment when the amount does not
20 exceed \$1500, a minimum of \$50 and a maximum of \$60. When
21 the amount exceeds \$1500, but does not exceed \$5,000, \$75.
22 When the amount exceeds \$5,000, but does not exceed
23 \$15,000, \$175. When the amount exceeds \$15,000, a minimum
24 of \$200 and a maximum of \$250.

25 (e) Appearance.

26 The fee for filing an appearance in each civil case

1 shall be a minimum of \$50 and a maximum of \$75, except as
2 follows:

3 (A) When the plaintiff in a forcible entry and
4 detainer case seeks possession only, a minimum of \$20
5 and a maximum of \$40.

6 (B) When the amount in the case does not exceed
7 \$1500, a minimum of \$20 and a maximum of \$40.

8 (C) When the amount in the case exceeds \$1500 but
9 does not exceed \$15,000, a minimum of \$40 and a maximum
10 of \$60.

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

12 In garnishment affidavit, wage deduction affidavit,
13 and citation petition when the amount does not exceed
14 \$1,000, a minimum of \$10 and a maximum of \$15; when the
15 amount exceeds \$1,000 but does not exceed \$5,000, a minimum
16 of \$20 and a maximum of \$30; and when the amount exceeds
17 \$5,000, a minimum of \$30 and a maximum of \$50.

18 (g) Petition to Vacate or Modify.

19 (1) Petition to vacate or modify any final judgment or
20 order of court, except in forcible entry and detainer cases
21 and small claims cases or a petition to reopen an estate,
22 to modify, terminate, or enforce a judgment or order for
23 child or spousal support, or to modify, suspend, or
24 terminate an order for withholding, if filed before 30 days
25 after the entry of the judgment or order, a minimum of \$40
26 and a maximum of \$50.

1 (2) Petition to vacate or modify any final judgment or
2 order of court, except a petition to modify, terminate, or
3 enforce a judgment or order for child or spousal support or
4 to modify, suspend, or terminate an order for withholding,
5 if filed later than 30 days after the entry of the judgment
6 or order, a minimum of \$60 and a maximum of \$75.

7 (3) Petition to vacate order of bond forfeiture, a
8 minimum of \$20 and a maximum of \$40.

9 (h) Mailing.

10 When the clerk is required to mail, the fee will be a
11 minimum of \$6 and a maximum of \$10, plus the cost of
12 postage.

13 (i) Certified Copies.

14 Each certified copy of a judgment after the first,
15 except in small claims and forcible entry and detainer
16 cases, a minimum of \$10 and a maximum of \$15.

17 (j) Habeas Corpus.

18 For filing a petition for relief by habeas corpus, a
19 minimum of \$80 and a maximum of \$125.

20 (k) Certification, Authentication, and Reproduction.

21 (1) Each certification or authentication for taking
22 the acknowledgment of a deed or other instrument in writing
23 with the seal of office, a minimum of \$4 and a maximum of
24 \$6.

25 (2) Court appeals when original documents are
26 forwarded, under 100 pages, plus delivery and costs, a

1 minimum of \$50 and a maximum of \$75.

2 (3) Court appeals when original documents are
3 forwarded, over 100 pages, plus delivery and costs, a
4 minimum of \$120 and a maximum of \$150.

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

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

10 (A) First page, \$2.

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

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

13 (l) Remands.

14 In any cases remanded to the Circuit Court from the
15 Supreme Court or the Appellate Court for a new trial, the
16 clerk shall file the remanding order and reinstate the case
17 with either its original number or a new number. The Clerk
18 shall not charge any new or additional fee for the
19 reinstatement. Upon reinstatement the Clerk shall advise
20 the parties of the reinstatement. A party shall have the
21 same right to a jury trial on remand and reinstatement as
22 he or she had before the appeal, and no additional or new
23 fee or charge shall be made for a jury trial after remand.

24 (m) Record Search.

25 For each record search, within a division or municipal
26 district, the clerk shall be entitled to a search fee of a

1 minimum of \$4 and a maximum of \$6 for each year searched.

2 (n) Hard Copy.

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

7 (o) Index Inquiry and Other Records.

8 No fee shall be charged for a single
9 plaintiff/defendant index inquiry or single case record
10 inquiry when this request is made in person and the records
11 are maintained in a current automated medium, and when no
12 hard copy print output is requested. The fees to be charged
13 for management records, multiple case records, and
14 multiple journal records may be specified by the Chief
15 Judge pursuant to the guidelines for access and
16 dissemination of information approved by the Supreme
17 Court.

18 (p) (Blank).

19 (q) Alias Summons.

20 For each alias summons or citation issued by the clerk,
21 a minimum of \$4 and a maximum of \$5.

22 (r) Other Fees.

23 Any fees not covered in this Section shall be set by
24 rule or administrative order of the Circuit Court with the
25 approval of the Administrative Office of the Illinois
26 Courts.

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

11 (s) Jury Services.

12 The clerk shall be entitled to receive, in addition to
13 other fees allowed by law, the sum of a minimum of \$192.50
14 and a maximum of \$212.50, as a fee for the services of a
15 jury in every civil action not quasi-criminal in its nature
16 and not a proceeding for the exercise of the right of
17 eminent domain and in every other action wherein the right
18 of trial by jury is or may be given by law. The jury fee
19 shall be paid by the party demanding a jury at the time of
20 filing the jury demand. If the fee is not paid by either
21 party, no jury shall be called in the action or proceeding,
22 and the same shall be tried by the court without a jury.

23 (t) Voluntary Assignment.

24 For filing each deed of voluntary assignment, a minimum
25 of \$10 and a maximum of \$20; for recording the same, a
26 minimum of 25¢ and a maximum of 50¢ for each 100 words.

1 Exceptions filed to claims presented to an assignee of a
2 debtor who has made a voluntary assignment for the benefit
3 of creditors shall be considered and treated, for the
4 purpose of taxing costs therein, as actions in which the
5 party or parties filing the exceptions shall be considered
6 as party or parties plaintiff, and the claimant or
7 claimants as party or parties defendant, and those parties
8 respectively shall pay to the clerk the same fees as
9 provided by this Section to be paid in other actions.

10 (u) Expungement Petition.

11 The clerk shall be entitled to receive a fee of a
12 minimum of \$30 and a maximum of \$60 for each expungement
13 petition filed and an additional fee of a minimum of \$2 and
14 a maximum of \$4 for each certified copy of an order to
15 expunge arrest records.

16 (v) Probate.

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

21 (1) For administration of the estate of a decedent
22 (whether testate or intestate) or of a missing person, a
23 minimum of \$100 and a maximum of \$150, plus the fees
24 specified in subsection (v) (3), except:

25 (A) When the value of the real and personal
26 property does not exceed \$15,000, the fee shall be a

1 minimum of \$25 and a maximum of \$40.

2 (B) When (i) proof of heirship alone is made, (ii)
3 a domestic or foreign will is admitted to probate
4 without administration (including proof of heirship),
5 or (iii) letters of office are issued for a particular
6 purpose without administration of the estate, the fee
7 shall be a minimum of \$25 and a maximum of \$40.

8 (2) For administration of the estate of a ward, a
9 minimum of \$50 and a maximum of \$75, plus the fees
10 specified in subsection (v) (3), except:

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

14 (B) When (i) letters of office are issued to a
15 guardian of the person or persons, but not of the
16 estate or (ii) letters of office are issued in the
17 estate of a ward without administration of the estate,
18 including filing or joining in the filing of a tax
19 return or releasing a mortgage or consenting to the
20 marriage of the ward, the fee shall be a minimum of \$10
21 and a maximum of \$20.

22 (3) In addition to the fees payable under subsection
23 (v) (1) or (v) (2) of this Section, the following fees are
24 payable:

25 (A) For each account (other than one final account)
26 filed in the estate of a decedent, or ward, a minimum

1 of \$15 and a maximum of \$25.

2 (B) For filing a claim in an estate when the amount
3 claimed is \$150 or more but less than \$500, a minimum
4 of \$10 and a maximum of \$20; when the amount claimed is
5 \$500 or more but less than \$10,000, a minimum of \$25
6 and a maximum of \$40; when the amount claimed is
7 \$10,000 or more, a minimum of \$40 and a maximum of \$60;
8 provided that the court in allowing a claim may add to
9 the amount allowed the filing fee paid by the claimant.

10 (C) For filing in an estate a claim, petition, or
11 supplemental proceeding based upon an action seeking
12 equitable relief including the construction or contest
13 of a will, enforcement of a contract to make a will,
14 and proceedings involving testamentary trusts or the
15 appointment of testamentary trustees, a minimum of \$40
16 and a maximum of \$60.

17 (D) For filing in an estate (i) the appearance of
18 any person for the purpose of consent or (ii) the
19 appearance of an executor, administrator,
20 administrator to collect, guardian, guardian ad litem,
21 or special administrator, no fee.

22 (E) Except as provided in subsection (v) (3) (D),
23 for filing the appearance of any person or persons, a
24 minimum of \$10 and a maximum of \$30.

25 (F) For each jury demand, a minimum of \$102.50 and
26 a maximum of \$137.50.

1 (G) For disposition of the collection of a judgment
2 or settlement of an action or claim for wrongful death
3 of a decedent or of any cause of action of a ward, when
4 there is no other administration of the estate, a
5 minimum of \$30 and a maximum of \$50, less any amount
6 paid under subsection (v) (1) (B) or (v) (2) (B) except
7 that if the amount involved does not exceed \$5,000, the
8 fee, including any amount paid under subsection
9 (v) (1) (B) or (v) (2) (B), shall be a minimum of \$10 and a
10 maximum of \$20.

11 (H) For each certified copy of letters of office,
12 of court order or other certification, a minimum of \$1
13 and a maximum of \$2, plus a minimum of 50¢ and a
14 maximum of \$1 per page in excess of 3 pages for the
15 document certified.

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

18 (4) The executor, administrator, guardian, petitioner,
19 or other interested person or his or her attorney shall pay
20 the cost of publication by the clerk directly to the
21 newspaper.

22 (5) The person on whose behalf a charge is incurred for
23 witness, court reporter, appraiser, or other miscellaneous
24 fee shall pay the same directly to the person entitled
25 thereto.

26 (6) The executor, administrator, guardian, petitioner,

1 or other interested person or his attorney shall pay to the
2 clerk all postage charges incurred by the clerk in mailing
3 petitions, orders, notices, or other documents pursuant to
4 the provisions of the Probate Act of 1975.

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

6 (1) The clerk shall be entitled to costs from the
7 defendant upon the court's judgment of guilty or grant of
8 supervision on each ~~in all~~ criminal and quasi-criminal
9 ~~offense cases from each person convicted or sentenced to~~
10 ~~supervision therein~~ as follows:

11 (A) Felony offenses ~~complaints~~, a minimum of \$80
12 and a maximum of \$125.

13 (B) Misdemeanor offenses ~~complaints~~, a minimum of
14 \$50 and a maximum of \$75.

15 (C) Business offenses ~~offense complaints~~, a
16 minimum of \$50 and a maximum of \$75.

17 (D) Petty offenses ~~offense complaints~~, a minimum
18 of \$50 and a maximum of \$75.

19 (E) Minor traffic or ordinance violations, \$20.

20 (F) When court appearance required, \$30.

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 \$30.

25 (I) Motions to vacate ex parte judgments, whenever
26 filed, a minimum of \$20 and a maximum of \$30.

1 (J) Motions to vacate judgment on forfeitures,
2 whenever filed, a minimum of \$20 and a maximum of \$25.

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

6 (2) In counties having a population of more than
7 500,000 but fewer than 3,000,000 inhabitants, when the
8 violation complaint is issued by a municipal police
9 department, the clerk shall be entitled to costs from each
10 person convicted therein as follows:

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

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

13 (3) In ordinance violation cases punishable by fine
14 only, the clerk of the circuit court shall be entitled to
15 receive, unless the fee is excused upon a finding by the
16 court that the defendant is indigent, in addition to other
17 fees or costs allowed or imposed by law, the sum of a
18 minimum of \$50 and a maximum of \$112.50 as a fee for the
19 services of a jury. The jury fee shall be paid by the
20 defendant at the time of filing his or her jury demand. If
21 the fee is not so paid by the defendant, no jury shall be
22 called, and the case shall be tried by the court without a
23 jury. The changes to this subsection by this amendatory Act
24 of the 98th General Assembly are declarative of existing
25 law.

26 (x) Transcripts of Judgment.

1 For the filing of a transcript of judgment, the clerk
2 shall be entitled to the same fee as if it were the
3 commencement of new suit.

4 (y) Change of Venue.

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

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

12 (z) Tax objection complaints.

13 For each tax objection complaint containing one or more
14 tax objections, regardless of the number of parcels
15 involved or the number of taxpayers joining in the
16 complaint, a minimum of \$25 and a maximum of \$50.

17 (aa) Tax Deeds.

18 (1) Petition for tax deed, if only one parcel is
19 involved, a minimum of \$150 and a maximum of \$250.

20 (2) For each additional parcel, add a fee of a minimum
21 of \$50 and a maximum of \$100.

22 (bb) Collections.

23 (1) For all collections made of others, except the
24 State and county and except in maintenance or child support
25 cases, a sum equal to a minimum of 2.5% and a maximum of
26 3.0% of the amount collected and turned over.

1 (2) Interest earned on any funds held by the clerk
2 shall be turned over to the county general fund as an
3 earning of the office.

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

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

24 The clerk shall also be entitled to a fee of \$5 for
25 certifications made to the Secretary of State as provided
26 in Section 7-703 of the Family Financial Responsibility Law

1 and these fees shall also be deposited into the Separate
2 Maintenance and Child Support Collection Fund.

3 (cc) Corrections of Numbers.

4 For correction of the case number, case title, or
5 attorney computer identification number, if required by
6 rule of court, on any document filed in the clerk's office,
7 to be charged against the party that filed the document, a
8 minimum of \$15 and a maximum of \$25.

9 (dd) Exceptions.

10 The fee requirements of this Section shall not apply to
11 police departments or other law enforcement agencies. In
12 this Section, "law enforcement agency" means an agency of
13 the State or a unit of local government which is vested by
14 law or ordinance with the duty to maintain public order and
15 to enforce criminal laws or ordinances. "Law enforcement
16 agency" also means the Attorney General or any state's
17 attorney. The fee requirements of this Section shall not
18 apply to any action instituted under subsection (b) of
19 Section 11-31-1 of the Illinois Municipal Code by a private
20 owner or tenant of real property within 1200 feet of a
21 dangerous or unsafe building seeking an order compelling
22 the owner or owners of the building to take any of the
23 actions authorized under that subsection.

24 The fee requirements of this Section shall not apply to
25 the filing of any commitment petition or petition for an
26 order authorizing the administration of psychotropic

1 medication or electroconvulsive therapy under the Mental
2 Health and Developmental Disabilities Code.

3 (ee) Adoptions.

4 (1) For an adoption \$65

5 (2) Upon good cause shown, the court may waive the
6 adoption filing fee in a special needs adoption. The term
7 "special needs adoption" shall have the meaning ascribed to
8 it by the Illinois Department of Children and Family
9 Services.

10 (ff) Adoption exemptions.

11 No fee other than that set forth in subsection (ee)
12 shall be charged to any person in connection with an
13 adoption proceeding nor may any fee be charged for
14 proceedings for the appointment of a confidential
15 intermediary under the Adoption Act.

16 (gg) Unpaid fees.

17 Unless a court ordered payment schedule is implemented
18 or the fee requirements of this Section are waived pursuant
19 to court order, the clerk of the court may add to any
20 unpaid fees and costs under this Section a delinquency
21 amount equal to 5% of the unpaid fees that remain unpaid
22 after 30 days, 10% of the unpaid fees that remain unpaid
23 after 60 days, and 15% of the unpaid fees that remain
24 unpaid after 90 days. Notice to those parties may be made
25 by signage posting or publication. The additional
26 delinquency amounts collected under this Section shall be

1 used to defray additional administrative costs incurred by
2 the clerk of the circuit court in collecting unpaid fees
3 and costs.

4 (Source: P.A. 95-172, eff. 8-14-07.)

5 (705 ILCS 105/27.3a)

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 upon each
20 finding of guilty or disposition of court supervision for ~~in~~
21 any felony, traffic, misdemeanor, municipal ordinance, or
22 conservation offense case upon a judgment of guilty or grant of
23 supervision, provided that the record keeping system which
24 processes the case category for which the fee is charged is
25 automated or has been approved for automation by the county

1 board, and provided further that no additional fee shall be
2 required if more than one party is presented in a single
3 pleading, paper or other appearance. Such fee shall be
4 collected in the manner in which all other fees or costs are
5 collected. The changes to this subsection by this amendatory
6 Act of the 98th General Assembly are declarative of existing
7 law.

8 1.1. Starting on July 6, 2012 (the effective date of Public
9 Act 97-761) ~~this amendatory Act of the 97th General Assembly~~
10 and pursuant to an administrative order from the chief judge of
11 the circuit or the presiding judge of the county authorizing
12 such collection, a clerk of the circuit court in any county
13 that imposes a fee pursuant to subsection 1 of this Section
14 shall also charge and collect an additional \$10 operations fee
15 for probation and court services 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, or local
12 ordinance case upon a judgment of guilty or grant of
13 supervision. This fee shall not be paid by the defendant for
14 any conservation violation listed in subsection 1.6 of this
15 Section.

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

1 Act, the Environmental Protection Act, the Fish and Aquatic
2 Life Code, the Wildlife Code, the Cave Protection Act, the
3 Illinois Exotic Weed Act, the Illinois Forestry Development
4 Act, the Ginseng Harvesting Act, the Illinois Lake Management
5 Program Act, the Illinois Natural Areas Preservation Act, the
6 Illinois Open Land Trust Act, the Open Space Lands Acquisition
7 and Development Act, the Illinois Prescribed Burning Act, the
8 State Forest Act, the Water Use Act of 1983, the Illinois
9 Veteran, Youth, and Young Adult Conservation Jobs Act, the
10 Snowmobile Registration and Safety Act, the Boat Registration
11 and Safety Act, the Illinois Dangerous Animals Act, the Hunter
12 and Fishermen Interference Prohibition Act, the Wrongful Tree
13 Cutting Act, or Section 11-1426.1, 11-1426.2, 11-1427,
14 11-1427.1, 11-1427.2, 11-1427.3, 11-1427.4, or 11-1427.5 of
15 the Illinois Vehicle Code, or Section 48-3 or 48-10 of the
16 Criminal Code of 1961.

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

22 3. With respect to the fee imposed under subsection 1 of
23 this Section, such fees shall be in addition to all other fees
24 and charges of such clerks, and assessable as costs, and may be
25 waived only if the judge specifically provides for the waiver
26 of the court automation fee. The fees shall be remitted monthly

1 by such clerk to the county treasurer, to be retained by him in
2 a special fund designated as the court automation fund. The
3 fund shall be audited by the county auditor, and the board
4 shall make expenditure from the fund in payment of any cost
5 related to the automation of court records, including hardware,
6 software, research and development costs and personnel related
7 thereto, provided that the expenditure is approved by the clerk
8 of the court and by the chief judge of the circuit court or his
9 designate.

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

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

20 6. With respect to the additional fees imposed under
21 subsection 1.5 of this Section, the Director of State Police
22 may direct the use of these fees for homeland security purposes
23 by transferring these fees on a quarterly basis from the State
24 Police Operations Assistance Fund into the Illinois Law
25 Enforcement Alarm Systems (ILEAS) Fund for homeland security
26 initiatives programs. The transferred fees shall be allocated,

1 subject to the approval of the ILEAS Executive Board, as
2 follows: (i) 66.6% shall be used for homeland security
3 initiatives and (ii) 33.3% shall be used for airborne
4 operations. The ILEAS Executive Board shall annually supply the
5 Director of State Police with a report of the use of these
6 fees.

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

12 (Source: P.A. 96-1029, eff. 7-13-10; 97-46, eff. 7-1-12;
13 97-453, eff. 8-19-11; 97-738, eff. 7-5-12; 97-761, eff. 7-6-12;
14 97-813, eff. 7-13-12; 97-1108, eff. 1-1-13; revised 9-20-12.)

15 (705 ILCS 105/27.3c) (from Ch. 25, par. 27.3c)

16 Sec. 27.3c. Document storage system.

17 (a) The expense of establishing and maintaining a document
18 storage system in the offices of the circuit court clerks in
19 the several counties of this State shall be borne by the
20 county. To defray the expense in any county that elects to
21 establish a document storage system and convert the records of
22 the circuit court clerk to electronic or micrographic storage,
23 the county board may require the clerk of the circuit court in
24 its county to collect a court document fee of not less than \$1
25 nor more than \$15, to be charged and collected by the clerk of

1 the court. The fee shall be paid at the time of filing the
2 first pleading, paper, or other appearance filed by each party
3 in all civil cases or by the defendant upon each finding of
4 guilty or disposition of court supervision for ~~in~~ any felony,
5 misdemeanor, traffic, ordinance, or conservation offense
6 ~~matter on a judgment of guilty or grant of supervision,~~
7 provided that the document storage system is in place or has
8 been authorized by the county board and further that no
9 additional fee shall be required if more than one party is
10 presented in a single pleading, paper, or other appearance. The
11 fee shall be collected in the manner in which all other fees or
12 costs are collected. The changes to this subsection by this
13 amendatory Act of the 98th General Assembly are declarative of
14 existing law.

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

20 (c) Court document fees shall be in addition to other fees
21 and charges of the clerk, shall be assessable as costs, and may
22 be waived only if the judge specifically provides for the
23 waiver of the court document storage fee. The fees shall be
24 remitted monthly by the clerk to the county treasurer, to be
25 retained by the treasurer in a special fund designated as the
26 Court Document Storage Fund. The fund shall be audited by the

1 county auditor, and the board shall make expenditures from the
2 fund in payment of any costs relative to the storage of court
3 records, including hardware, software, research and
4 development costs, and related personnel, provided that the
5 expenditure is approved by the clerk of the circuit court.

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

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