

HB1205



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB1205

by Rep. Michael J. Madigan

SYNOPSIS AS INTRODUCED:

55 ILCS 5/4-2002.1

from Ch. 34, par. 4-2002.1

Amends the Counties Code. Makes a technical change in a Section concerning State's attorney fees in counties of 3,000,000 or more.

LRB100 02368 AWJ 12373 b

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 4-2002.1 as follows:

6 (55 ILCS 5/4-2002.1) (from Ch. 34, par. 4-2002.1)

7 Sec. 4-2002.1. State's attorney fees in counties of
8 3,000,000 or more population. This Section applies only to
9 counties with 3,000,000 or more inhabitants.

10 (a) State's attorneys shall be entitled to the ~~the~~
11 following fees:

12 For each conviction in prosecutions on indictments for
13 first degree murder, second degree murder, involuntary
14 manslaughter, criminal sexual assault, aggravated criminal
15 sexual assault, aggravated criminal sexual abuse, kidnapping,
16 arson and forgery, \$60. All other cases punishable by
17 imprisonment in the penitentiary, \$60.

18 For each conviction in other cases tried before judges of
19 the circuit court, \$30; except that if the conviction is in a
20 case which may be assigned to an associate judge, whether or
21 not it is in fact assigned to an associate judge, the fee shall
22 be \$20.

23 For preliminary examinations for each defendant held to

1 bail or recognizance, \$20.

2 For each examination of a party bound over to keep the
3 peace, \$20.

4 For each defendant held to answer in a circuit court on a
5 charge of paternity, \$20.

6 For each trial on a charge of paternity, \$60.

7 For each case of appeal taken from his county or from the
8 county to which a change of venue is taken to his county to the
9 Supreme or Appellate Court when prosecuted or defended by him,
10 \$100.

11 For each day actually employed in the trial of a case, \$50;
12 in which case the court before whom the case is tried shall
13 make an order specifying the number of days for which a per
14 diem shall be allowed.

15 For each day actually employed in the trial of cases of
16 felony arising in their respective counties and taken by change
17 of venue to another county, \$50; and the court before whom the
18 case is tried shall make an order specifying the number of days
19 for which said per diem shall be allowed; and it is hereby made
20 the duty of each State's attorney to prepare and try each case
21 of felony arising when so taken by change of venue.

22 For assisting in a trial of each case on an indictment for
23 felony brought by change of venue to their respective counties,
24 the same fees they would be entitled to if such indictment had
25 been found for an offense committed in his county, and it shall
26 be the duty of the State's attorney of the county to which such

1 cause is taken by change of venue to assist in the trial
2 thereof.

3 For each case of forfeited recognizance where the
4 forfeiture is set aside at the instance of the defense, in
5 addition to the ordinary costs, \$20 for each defendant.

6 For each proceeding in a circuit court to inquire into the
7 alleged mental illness of any person, \$20 for each defendant.

8 For each proceeding in a circuit court to inquire into the
9 alleged dependency or delinquency of any child, \$20.

10 For each day actually employed in the hearing of a case of
11 habeas corpus in which the people are interested, \$50.

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

20 Ten per cent of all moneys except revenue, collected by
21 them and paid over to the authorities entitled thereto, which
22 per cent together with the fees provided for herein that are
23 not collected from the parties tried or examined, shall be paid
24 out of any fines and forfeited recognizances collected by them,
25 provided however, that in proceedings to foreclose the lien of
26 delinquent real estate taxes State's attorneys shall receive a

1 fee, to be credited to the earnings of their office, of 10% of
2 the total amount realized from the sale of real estate sold in
3 such proceedings. Such fees shall be paid from the total amount
4 realized from the sale of the real estate sold in such
5 proceedings.

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

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

13 The Circuit Court may direct that of all monies received,
14 by restitution or otherwise, which monies are ordered paid to
15 the Department of Healthcare and Family Services (formerly
16 Department of Public Aid) or the Department of Human Services
17 (acting as successor to the Department of Public Aid under the
18 Department of Human Services Act) as a direct result of the
19 efforts of the State's attorney and which payments arise from
20 Civil or Criminal prosecutions involving the Illinois Public
21 Aid Code or the Criminal Code, the following amounts shall be
22 paid quarterly by the Department of Healthcare and Family
23 Services or the Department of Human Services to the General
24 Corporate Fund of the County in which the prosecution or cause
25 of action took place:

26 (1) where the monies result from child support

1 obligations, not less than 25% of the federal share of the
2 monies received,

3 (2) where the monies result from other than child
4 support obligations, not less than 25% of the State's share
5 of the monies received.

6 In addition to any other amounts to which State's Attorneys
7 are entitled under this Section, State's Attorneys are entitled
8 to \$10 of the fine that is imposed under Section 5-9-1.17 of
9 the Unified Code of Corrections, as set forth in that Section.

10 (b) A municipality shall be entitled to a \$25 prosecution
11 fee for each conviction for a violation of the Illinois Vehicle
12 Code prosecuted by the municipal attorney pursuant to Section
13 16-102 of that Code which is tried before a circuit or
14 associate judge and shall be entitled to a \$25 prosecution fee
15 for each conviction for a violation of a municipal vehicle
16 ordinance prosecuted by the municipal attorney which is tried
17 before a circuit or associate judge. Such fee shall be taxed as
18 costs to be collected from the defendant, if possible, upon
19 conviction. A municipality shall have a lien for such
20 prosecution fees on all judgments or fines procured by the
21 municipal attorney from prosecutions for violations of the
22 Illinois Vehicle Code and municipal vehicle ordinances.

23 For the purposes of this subsection (b), "municipal vehicle
24 ordinance" means any ordinance enacted pursuant to Sections
25 11-40-1, 11-40-2, 11-40-2a, and 11-40-3 of the Illinois
26 Municipal Code or any ordinance enacted by a municipality which

1 is similar to a provision of Chapter 11 of the Illinois Vehicle
2 Code.

3 (c) State's attorneys shall be entitled to a \$2 fee to be
4 paid by the defendant on a judgment of guilty or a grant of
5 supervision for a violation of any provision of the Illinois
6 Vehicle Code or any felony, misdemeanor, or petty offense to
7 discharge the expenses of the State's Attorney's office for
8 establishing and maintaining automated record keeping systems.
9 The fee shall be remitted monthly to the county treasurer, to
10 be deposited by him or her into a special fund designated as
11 the State's Attorney Records Automation Fund. Expenditures
12 from this fund may be made by the State's Attorney for
13 hardware, software, research, and development costs and
14 personnel related thereto.

15 ~~For the purposes of this subsection (b), "municipal vehicle~~
16 ~~ordinance" means any ordinance enacted pursuant to Sections~~
17 ~~11 40 1, 11 40 2, 11 40 2a, and 11 40 3 of the Illinois~~
18 ~~Municipal Code or any ordinance enacted by a municipality which~~
19 ~~is similar to a provision of Chapter 11 of the Illinois Vehicle~~
20 ~~Code.~~

21 (Source: P.A. 96-707, eff. 1-1-10; 96-1186, eff. 7-22-10;
22 97-673, eff. 6-1-12; revised 10-31-16.)