



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB1960

Introduced 2/15/2019, by Sen. Elgie R. Sims, Jr.

SYNOPSIS AS INTRODUCED:

705 ILCS 105/27.1b
705 ILCS 135/1-5

Amends the Clerks of Courts Act. Deletes language allowing exceptions to the provision that all fees shall be paid in advance and disbursed by each clerk on a monthly basis. Provides that units of local government and school districts in counties with more than 3,000,000 inhabitants shall: have a filing fee for a complaint, petition, or other pleading initiating a civil action in an amount not to exceed \$202 (rather than not to exceed \$190 through December 31, 2021 and \$184 on and after January 1, 2022); and have a filing fee for an appearance in a civil action in an amount not to exceed \$177 (rather than \$75). Provides that if a record contains 200 or more pages, the clerk may collect an additional fee not to exceed 35 cents (rather than 25 cents) per page. Removes filing fee provisions for cases involving debt collection. Amends the Criminal and Traffic Assessment Act. Deletes the definition of "offense". Effective July 1, 2019.

LRB101 10641 LNS 55747 b

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 Clerks of Courts Act is amended by changing
5 Section 27.1b as follows:

6 (705 ILCS 105/27.1b)

7 (This Section may contain text from a Public Act with a
8 delayed effective date)

9 (Section scheduled to be repealed on January 1, 2021)

10 Sec. 27.1b. Circuit court clerk fees. Notwithstanding any
11 other provision of law, all fees charged by the clerks of the
12 circuit court for the services described in this Section shall
13 be established, collected, and disbursed in accordance with
14 this Section. All ~~Except as otherwise specified in this~~
15 ~~Section, all~~ fees under this Section shall be paid in advance
16 and disbursed by each clerk on a monthly basis. ~~In a county~~
17 ~~with a population of over 3,000,000, units of local government~~
18 ~~and school districts shall not be required to pay fees under~~
19 ~~this Section in advance and the clerk shall instead send an~~
20 ~~itemized bill to the unit of local government or school~~
21 ~~district, within 30 days of the fee being incurred, and the~~
22 ~~unit of local government or school district shall be allowed at~~
23 ~~least 30 days from the date of the itemized bill to pay; these~~

1 ~~payments shall be disbursed by each clerk on a monthly basis.~~
2 Unless otherwise specified in this Section, the amount of a fee
3 shall be determined by ordinance or resolution of the county
4 board and remitted to the county treasurer to be used for
5 purposes related to the operation of the court system in the
6 county. In a county with population of over 3,000,000, any
7 amount retained by the clerk of the circuit court or remitted
8 to the county treasurer shall be subject to appropriation by
9 the county board.

10 (a) Civil cases. The fee for filing a complaint, petition,
11 or other pleading initiating a civil action shall be as set
12 forth in the applicable schedule under this subsection in
13 accordance with case categories established by the Supreme
14 Court in schedules.

15 (1) SCHEDULE 1: not to exceed a total of \$366 in a
16 county with a population of 3,000,000 or more and not to
17 exceed \$316 in any other county, except as applied to units
18 of local government and school districts in counties with
19 more than 3,000,000 inhabitants an amount not to exceed
20 ~~\$202 \$190 through December 31, 2021 and \$184 on and after~~
21 ~~January 1, 2022~~. The fees collected under this schedule
22 shall be disbursed as follows:

23 (A) The clerk shall retain a sum, in an amount not
24 to exceed \$55 in a county with a population of
25 3,000,000 or more and in an amount not to exceed \$45 in
26 any other county determined by the clerk with the

1 approval of the Supreme Court, to be used for court
2 automation, court document storage, and administrative
3 purposes.

4 (B) The clerk shall remit up to \$21 to the State
5 Treasurer. The State Treasurer shall deposit the
6 appropriate amounts, in accordance with the clerk's
7 instructions, as follows:

8 (i) up to \$10, as specified by the Supreme
9 Court in accordance with Part 10A of Article II of
10 the Code of Civil Procedure, into the Mandatory
11 Arbitration Fund;

12 (ii) \$2 into the Access to Justice Fund; and

13 (iii) \$9 into the Supreme Court Special
14 Purposes Fund.

15 (C) The clerk shall remit a sum to the County
16 Treasurer, in an amount not to exceed \$290 in a county
17 with a population of 3,000,000 or more and in an amount
18 not to exceed \$250 in any other county, as specified by
19 ordinance or resolution passed by the county board, for
20 purposes related to the operation of the court system
21 in the county.

22 (2) SCHEDULE 2: not to exceed a total of \$357 in a
23 county with a population of 3,000,000 or more and not to
24 exceed \$266 in any other county, except as applied to units
25 of local government and school districts in counties with
26 more than 3,000,000 inhabitants an amount not to exceed

1 ~~\$202 \$190 through December 31, 2021 and \$184 on and after~~
2 ~~January 1, 2022.~~ The fees collected under this schedule
3 shall be disbursed as follows:

4 (A) The clerk shall retain a sum, in an amount not
5 to exceed \$55 in a county with a population of
6 3,000,000 or more and in an amount not to exceed \$45 in
7 any other county determined by the clerk with the
8 approval of the Supreme Court, to be used for court
9 automation, court document storage, and administrative
10 purposes.

11 (B) The clerk shall remit up to \$21 to the State
12 Treasurer. The State Treasurer shall deposit the
13 appropriate amounts, in accordance with the clerk's
14 instructions, as follows:

15 (i) up to \$10, as specified by the Supreme
16 Court in accordance with Part 10A of Article II of
17 the Code of Civil Procedure, into the Mandatory
18 Arbitration Fund;

19 (ii) \$2 into the Access to Justice Fund: and

20 (iii) \$9 into the Supreme Court Special
21 Purposes Fund.

22 (C) The clerk shall remit a sum to the County
23 Treasurer, in an amount not to exceed \$281 in a county
24 with a population of 3,000,000 or more and in an amount
25 not to exceed \$200 in any other county, as specified by
26 ordinance or resolution passed by the county board, for

1 purposes related to the operation of the court system
2 in the county.

3 (3) SCHEDULE 3: not to exceed a total of \$265 in a
4 county with a population of 3,000,000 or more and not to
5 exceed \$89 in any other county, except as applied to units
6 of local government and school districts in counties with
7 more than 3,000,000 inhabitants an amount not to exceed
8 \$202 ~~\$190 through December 31, 2021 and \$184 on and after~~
9 ~~January 1, 2022~~. The fees collected under this schedule
10 shall be disbursed as follows:

11 (A) The clerk shall retain a sum, in an amount not
12 to exceed \$55 in a county with a population of
13 3,000,000 or more and in an amount not to exceed \$22 in
14 any other county determined by the clerk with the
15 approval of the Supreme Court, to be used for court
16 automation, court document storage, and administrative
17 purposes.

18 (B) The clerk shall remit \$11 to the State
19 Treasurer. The State Treasurer shall deposit the
20 appropriate amounts in accordance with the clerk's
21 instructions, as follows:

22 (i) \$2 into the Access to Justice Fund; and

23 (ii) \$9 into the Supreme Court Special
24 Purposes Fund.

25 (C) The clerk shall remit a sum to the County
26 Treasurer, in an amount not to exceed \$199 in a county

1 with a population of 3,000,000 or more and in an amount
2 not to exceed \$56 in any other county, as specified by
3 ordinance or resolution passed by the county board, for
4 purposes related to the operation of the court system
5 in the county.

6 (4) SCHEDULE 4: \$0.

7 (b) Appearance. The fee for filing an appearance in a civil
8 action, including a cannabis civil law action under the
9 Cannabis Control Act, shall be as set forth in the applicable
10 schedule under this subsection in accordance with case
11 categories established by the Supreme Court in schedules.

12 (1) SCHEDULE 1: not to exceed a total of \$230 in a
13 county with a population of 3,000,000 or more and not to
14 exceed \$191 in any other county, except as applied to units
15 of local government and school districts in counties with
16 more than 3,000,000 inhabitants an amount not to exceed
17 \$177 ~~\$75~~. The fees collected under this schedule shall be
18 disbursed as follows:

19 (A) The clerk shall retain a sum, in an amount not
20 to exceed \$50 in a county with a population of
21 3,000,000 or more and in an amount not to exceed \$45 in
22 any other county determined by the clerk with the
23 approval of the Supreme Court, to be used for court
24 automation, court document storage, and administrative
25 purposes.

26 (B) The clerk shall remit up to \$21 to the State

1 Treasurer. The State Treasurer shall deposit the
2 appropriate amounts, in accordance with the clerk's
3 instructions, as follows:

4 (i) up to \$10, as specified by the Supreme
5 Court in accordance with Part 10A of Article II of
6 the Code of Civil Procedure, into the Mandatory
7 Arbitration Fund;

8 (ii) \$2 into the Access to Justice Fund; and

9 (iii) \$9 into the Supreme Court Special
10 Purposes Fund.

11 (C) The clerk shall remit a sum to the County
12 Treasurer, in an amount not to exceed \$159 in a county
13 with a population of 3,000,000 or more and in an amount
14 not to exceed \$125 in any other county, as specified by
15 ordinance or resolution passed by the county board, for
16 purposes related to the operation of the court system
17 in the county.

18 (2) SCHEDULE 2: not to exceed a total of \$130 in a
19 county with a population of 3,000,000 or more and not to
20 exceed \$109 in any other county, except as applied to units
21 of local government and school districts in counties with
22 more than 3,000,000 inhabitants an amount not to exceed
23 \$177 ~~\$75~~. The fees collected under this schedule shall be
24 disbursed as follows:

25 (A) The clerk shall retain a sum, in an amount not
26 to exceed \$50 in a county with a population of

1 3,000,000 or more and in an amount not to exceed \$10 in
2 any other county determined by the clerk with the
3 approval of the Supreme Court, to be used for court
4 automation, court document storage, and administrative
5 purposes.

6 (B) The clerk shall remit \$9 to the State
7 Treasurer, which the State Treasurer shall deposit
8 into the Supreme Court Special Purpose Fund.

9 (C) The clerk shall remit a sum to the County
10 Treasurer, in an amount not to exceed \$71 in a county
11 with a population of 3,000,000 or more and in an amount
12 not to exceed \$90 in any other county, as specified by
13 ordinance or resolution passed by the county board, for
14 purposes related to the operation of the court system
15 in the county.

16 (3) SCHEDULE 3: \$0.

17 (b-5) Kane County and Will County. In Kane County and Will
18 County civil cases, there is an additional fee of up to \$30 as
19 set by the county board under Section 5-1101.3 of the Counties
20 Code to be paid by each party at the time of filing the first
21 pleading, paper, or other appearance; provided that no
22 additional fee shall be required if more than one party is
23 represented in a single pleading, paper, or other appearance.
24 Distribution of fees collected under this subsection (b-5)
25 shall be as provided in Section 5-1101.3 of the Counties Code.

26 (c) Counterclaim or third party complaint. When any

1 defendant files a counterclaim or third party complaint, as
2 part of the defendant's answer or otherwise, the defendant
3 shall pay a filing fee for each counterclaim or third party
4 complaint in an amount equal to the filing fee the defendant
5 would have had to pay had the defendant brought a separate
6 action for the relief sought in the counterclaim or third party
7 complaint, less the amount of the appearance fee, if any, that
8 the defendant has already paid in the action in which the
9 counterclaim or third party complaint is filed.

10 (d) Alias summons. The clerk shall collect a fee not to
11 exceed \$6 in a county with a population of 3,000,000 or more
12 and not to exceed \$5 in any other county for each alias summons
13 or citation issued by the clerk, except as applied to units of
14 local government and school districts in counties with more
15 than 3,000,000 inhabitants an amount not to exceed \$5 for each
16 alias summons or citation issued by the clerk.

17 (e) Jury services. The clerk shall collect, in addition to
18 other fees allowed by law, a sum not to exceed \$212.50, as a
19 fee for the services of a jury in every civil action not
20 quasi-criminal in its nature and not a proceeding for the
21 exercise of the right of eminent domain and in every other
22 action wherein the right of trial by jury is or may be given by
23 law. The jury fee shall be paid by the party demanding a jury
24 at the time of filing the jury demand. If the fee is not paid by
25 either party, no jury shall be called in the action or
26 proceeding, and the action or proceeding shall be tried by the

1 court without a jury.

2 (f) Change of venue. In connection with a change of venue:

3 (1) The clerk of the jurisdiction from which the case
4 is transferred may charge a fee, not to exceed \$40, for the
5 preparation and certification of the record; and

6 (2) The clerk of the jurisdiction to which the case is
7 transferred may charge the same filing fee as if it were
8 the commencement of a new suit.

9 (g) Petition to vacate or modify.

10 (1) In a proceeding involving a petition to vacate or
11 modify any final judgment or order filed within 30 days
12 after the judgment or order was entered, except for an
13 eviction case, small claims case, petition to reopen an
14 estate, petition to modify, terminate, or enforce a
15 judgment or order for child or spousal support, or petition
16 to modify, suspend, or terminate an order for withholding,
17 the fee shall not exceed \$60 in a county with a population
18 of 3,000,000 or more and shall not exceed \$50 in any other
19 county, except as applied to units of local government and
20 school districts in counties with more than 3,000,000
21 inhabitants an amount not to exceed \$50.

22 (2) In a proceeding involving a petition to vacate or
23 modify any final judgment or order filed more than 30 days
24 after the judgment or order was entered, except for a
25 petition to modify, terminate, or enforce a judgment or
26 order for child or spousal support, or petition to modify,

1 suspend, or terminate an order for withholding, the fee
2 shall not exceed \$75.

3 (3) In a proceeding involving a motion to vacate or
4 amend a final order, motion to vacate an ex parte judgment,
5 judgment of forfeiture, or "failure to appear" or "failure
6 to comply" notices sent to the Secretary of State, the fee
7 shall equal \$40.

8 (h) Appeals preparation. The fee for preparation of a
9 record on appeal shall be based on the number of pages, as
10 follows:

11 (1) if the record contains no more than 100 pages, the
12 fee shall not exceed \$70 in a county with a population of
13 3,000,000 or more and shall not exceed \$50 in any other
14 county;

15 (2) if the record contains between 100 and 200 pages,
16 the fee shall not exceed \$100; and

17 (3) if the record contains 200 or more pages, the clerk
18 may collect an additional fee not to exceed 35 ~~25~~ cents per
19 page.

20 (i) Remands. In any cases remanded to the circuit court
21 from the Supreme Court or the appellate court for a new trial,
22 the clerk shall reinstate the case with either its original
23 number or a new number. The clerk shall not charge any new or
24 additional fee for the reinstatement. Upon reinstatement, the
25 clerk shall advise the parties of the reinstatement. Parties
26 shall have the same right to a jury trial on remand and

1 reinstatement that they had before the appeal, and no
2 additional or new fee or charge shall be made for a jury trial
3 after remand.

4 (j) Garnishment, wage deduction, and citation. In
5 garnishment affidavit, wage deduction affidavit, and citation
6 petition proceedings:

7 (1) if the amount in controversy in the proceeding is
8 not more than \$1,000, the fee may not exceed \$35 in a
9 county with a population of 3,000,000 or more and may not
10 exceed \$15 in any other county, except as applied to units
11 of local government and school districts in counties with
12 more than 3,000,000 inhabitants an amount not to exceed
13 \$15;

14 (2) if the amount in controversy in the proceeding is
15 greater than \$1,000 and not more than \$5,000, the fee may
16 not exceed \$45 in a county with a population of 3,000,000
17 or more and may not exceed \$30 in any other county, except
18 as applied to units of local government and school
19 districts in counties with more than 3,000,000 inhabitants
20 an amount not to exceed \$30; and

21 (3) if the amount in controversy in the proceeding is
22 greater than \$5,000, the fee may not exceed \$65 in a county
23 with a population of 3,000,000 or more and may not exceed
24 \$50 in any other county, except as applied to units of
25 local government and school districts in counties with more
26 than 3,000,000 inhabitants an amount not to exceed \$50.

1 (j-5) (Blank). ~~Debt collection. In any proceeding to~~
2 ~~collect a debt subject to the exception in item (ii) of~~
3 ~~subparagraph (A-5) of paragraph (1) of subsection (z) of this~~
4 ~~Section, the circuit court shall order and the clerk shall~~
5 ~~collect from each judgment debtor a fee of:~~

6 ~~(1) \$35 if the amount in controversy in the proceeding~~
7 ~~is not more than \$1,000;~~

8 ~~(2) \$45 if the amount in controversy in the proceeding~~
9 ~~is greater than \$1,000 and not more than \$5,000; and~~

10 ~~(3) \$65 if the amount in controversy in the proceeding~~
11 ~~is greater than \$5,000.~~

12 (k) Collections.

13 (1) For all collections made of others, except the
14 State and county and except in maintenance or child support
15 cases, the clerk may collect a fee of up to 2.5% of the
16 amount collected and turned over.

17 (2) In child support and maintenance cases, the clerk
18 may collect an annual fee of up to \$36 from the person
19 making payment for maintaining child support records and
20 the processing of support orders to the State of Illinois
21 KIDS system and the recording of payments issued by the
22 State Disbursement Unit for the official record of the
23 Court. This fee is in addition to and separate from amounts
24 ordered to be paid as maintenance or child support and
25 shall be deposited into a Separate Maintenance and Child
26 Support Collection Fund, of which the clerk shall be the

1 custodian, ex officio, to be used by the clerk to maintain
2 child support orders and record all payments issued by the
3 State Disbursement Unit for the official record of the
4 Court. The clerk may recover from the person making the
5 maintenance or child support payment any additional cost
6 incurred in the collection of this annual fee.

7 (3) The clerk may collect a fee of \$5 for
8 certifications made to the Secretary of State as provided
9 in Section 7-703 of the Illinois Vehicle Code, and this fee
10 shall be deposited into the Separate Maintenance and Child
11 Support Collection Fund.

12 (4) In proceedings to foreclose the lien of delinquent
13 real estate taxes, State's Attorneys shall receive a fee of
14 10% of the total amount realized from the sale of real
15 estate sold in the proceedings. The clerk shall collect the
16 fee from the total amount realized from the sale of the
17 real estate sold in the proceedings and remit to the County
18 Treasurer to be credited to the earnings of the Office of
19 the State's Attorney.

20 (1) Mailing. The fee for the clerk mailing documents shall
21 not exceed \$10 plus the cost of postage.

22 (m) Certified copies. The fee for each certified copy of a
23 judgment, after the first copy, shall not exceed \$10.

24 (n) Certification, authentication, and reproduction.

25 (1) The fee for each certification or authentication
26 for taking the acknowledgment of a deed or other instrument

1 in writing with the seal of office shall not exceed \$6.

2 (2) The fee for reproduction of any document contained
3 in the clerk's files shall not exceed:

4 (A) \$2 for the first page;

5 (B) 50 cents per page for the next 19 pages; and

6 (C) 25 cents per page for all additional pages.

7 (o) Record search. For each record search, within a
8 division or municipal district, the clerk may collect a search
9 fee not to exceed \$6 for each year searched.

10 (p) Hard copy. For each page of hard copy print output,
11 when case records are maintained on an automated medium, the
12 clerk may collect a fee not to exceed \$10 in a county with a
13 population of 3,000,000 or more and not to exceed \$6 in any
14 other county, except as applied to units of local government
15 and school districts in counties with more than 3,000,000
16 inhabitants an amount not to exceed \$6.

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

26 (r) Performing a marriage. There shall be a \$10 fee for

1 performing a marriage in court.

2 (s) Voluntary assignment. For filing each deed of voluntary
3 assignment, the clerk shall collect a fee not to exceed \$20.
4 For recording a deed of voluntary assignment, the clerk shall
5 collect a fee not to exceed 50 cents for each 100 words.
6 Exceptions filed to claims presented to an assignee of a debtor
7 who has made a voluntary assignment for the benefit of
8 creditors shall be considered and treated, for the purpose of
9 taxing costs therein, as actions in which the party or parties
10 filing the exceptions shall be considered as party or parties
11 plaintiff, and the claimant or claimants as party or parties
12 defendant, and those parties respectively shall pay to the
13 clerk the same fees as provided by this Section to be paid in
14 other actions.

15 (t) Expungement petition. The clerk may collect a fee not
16 to exceed \$60 for each expungement petition filed and an
17 additional fee not to exceed \$4 for each certified copy of an
18 order to expunge arrest records.

19 (u) Transcripts of judgment. For the filing of a transcript
20 of judgment, the clerk may collect the same fee as if it were
21 the commencement of a new suit.

22 (v) Probate filings.

23 (1) For each account (other than one final account)
24 filed in the estate of a decedent, or ward, the fee shall
25 not exceed \$25.

26 (2) For filing a claim in an estate when the amount

1 claimed is greater than \$150 and not more than \$500, the
2 fee shall not exceed \$40 in a county with a population of
3 3,000,000 or more and shall not exceed \$25 in any other
4 county; when the amount claimed is greater than \$500 and
5 not more than \$10,000, the fee shall not exceed \$55 in a
6 county with a population of 3,000,000 or more and shall not
7 exceed \$40 in any other county; and when the amount claimed
8 is more than \$10,000, the fee shall not exceed \$75 in a
9 county with a population of 3,000,000 or more and shall not
10 exceed \$60 in any other county; except the court in
11 allowing a claim may add to the amount allowed the filing
12 fee paid by the claimant.

13 (3) For filing in an estate a claim, petition, or
14 supplemental proceeding based upon an action seeking
15 equitable relief including the construction or contest of a
16 will, enforcement of a contract to make a will, and
17 proceedings involving testamentary trusts or the
18 appointment of testamentary trustees, the fee shall not
19 exceed \$60.

20 (4) There shall be no fee for filing in an estate: (i)
21 the appearance of any person for the purpose of consent; or
22 (ii) the appearance of an executor, administrator,
23 administrator to collect, guardian, guardian ad litem, or
24 special administrator.

25 (5) For each jury demand, the fee shall not exceed
26 \$137.50.

1 (6) For each certified copy of letters of office, of
2 court order, or other certification, the fee shall not
3 exceed \$2 per page.

4 (7) For each exemplification, the fee shall not exceed
5 \$2, plus the fee for certification.

6 (8) The executor, administrator, guardian, petitioner,
7 or other interested person or his or her attorney shall pay
8 the cost of publication by the clerk directly to the
9 newspaper.

10 (9) The person on whose behalf a charge is incurred for
11 witness, court reporter, appraiser, or other miscellaneous
12 fees shall pay the same directly to the person entitled
13 thereto.

14 (10) The executor, administrator, guardian,
15 petitioner, or other interested person or his or her
16 attorney shall pay to the clerk all postage charges
17 incurred by the clerk in mailing petitions, orders,
18 notices, or other documents pursuant to the provisions of
19 the Probate Act of 1975.

20 (w) Corrections of numbers. For correction of the case
21 number, case title, or attorney computer identification
22 number, if required by rule of court, on any document filed in
23 the clerk's office, to be charged against the party that filed
24 the document, the fee shall not exceed \$25.

25 (x) Miscellaneous.

26 (1) Interest earned on any fees collected by the clerk

1 shall be turned over to the county general fund as an
2 earning of the office.

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

7 (y) Other fees. Any fees not covered in this Section shall
8 be set by rule or administrative order of the circuit court
9 with the approval of the Administrative Office of the Illinois
10 Courts. The clerk of the circuit court may provide services in
11 connection with the operation of the clerk's office, other than
12 those services mentioned in this Section, as may be requested
13 by the public and agreed to by the clerk and approved by the
14 Chief Judge. Any charges for additional services shall be as
15 agreed to between the clerk and the party making the request
16 and approved by the Chief Judge. Nothing in this subsection
17 shall be construed to require any clerk to provide any service
18 not otherwise required by law.

19 (y-5) Unpaid fees. Unless a court ordered payment schedule
20 is implemented or the fee requirements of this Section are
21 waived under a court order, the clerk of the circuit court may
22 add to any unpaid fees and costs under this Section a
23 delinquency amount equal to 5% of the unpaid fees that remain
24 unpaid after 30 days, 10% of the unpaid fees that remain unpaid
25 after 60 days, and 15% of the unpaid fees that remain unpaid
26 after 90 days. Notice to those parties may be made by signage

1 posting or publication. The additional delinquency amounts
2 collected under this Section shall be deposited into the
3 Circuit Court Clerk Operations and Administration Fund and used
4 to defray additional administrative costs incurred by the clerk
5 of the circuit court in collecting unpaid fees and costs.

6 (z) Exceptions.

7 (1) No fee authorized by this Section shall apply to:

8 (A) police departments or other law enforcement
9 agencies. In this Section, "law enforcement agency"
10 means: an agency of the State or ~~agency of~~ a unit of
11 local government which is vested by law or ordinance
12 with the duty to maintain public order and to enforce
13 criminal laws or ordinances; the Attorney General; or
14 any State's Attorney;

15 (A-5) any unit of local government or school
16 district in a county having a population of 500,000 or
17 less and the county board in a county having a
18 population exceeding 500,000 may by resolution set
19 reduced fees for units of local government or school
20 districts , ~~except in counties having a population of~~
21 ~~500,000 or more the county board may by resolution set~~
22 ~~fees for units of local government or school districts~~
23 ~~no greater than the minimum fees applicable in counties~~
24 ~~with a population less than 3,000,000; provided~~
25 ~~however, no fee may be charged to any unit of local~~
26 ~~government or school district in connection with any~~

1 ~~action which, in whole or in part, is: (i) to enforce~~
2 ~~an ordinance; (ii) to collect a debt; or (iii) under~~
3 ~~the Administrative Review Law;~~

4 (B) any action instituted by the corporate
5 authority of a municipality with more than 1,000,000
6 inhabitants under Section 11-31-1 of the Illinois
7 Municipal Code and any action instituted under
8 subsection (b) of Section 11-31-1 of the Illinois
9 Municipal Code by a private owner or tenant of real
10 property within 1,200 feet of a dangerous or unsafe
11 building seeking an order compelling the owner or
12 owners of the building to take any of the actions
13 authorized under that subsection;

14 (C) any commitment petition or petition for an
15 order authorizing the administration of psychotropic
16 medication or electroconvulsive therapy under the
17 Mental Health and Developmental Disabilities Code;

18 (D) a petitioner in any order of protection
19 proceeding, including, but not limited to, fees for
20 filing, modifying, withdrawing, certifying, or
21 photocopying petitions for orders of protection,
22 issuing alias summons, any related filing service, or
23 certifying, modifying, vacating, or photocopying any
24 orders of protection; or

25 (E) proceedings for the appointment of a
26 confidential intermediary under the Adoption Act.

1 (2) No fee other than the filing fee contained in the
2 applicable schedule in subsection (a) shall be charged to
3 any person in connection with an adoption proceeding.

4 (3) Upon good cause shown, the court may waive any fees
5 associated with a special needs adoption. The term "special
6 needs adoption" has the meaning provided by the Illinois
7 Department of Children and Family Services.

8 (aa) This Section is repealed on January 1, 2021.

9 (Source: P.A. 100-987, eff. 7-1-19; 100-994, eff. 7-1-19;
10 100-1161, eff. 7-1-19.)

11 Section 10. The Criminal and Traffic Assessment Act is
12 amended by changing Section 1-5 as follows:

13 (705 ILCS 135/1-5)

14 (This Section may contain text from a Public Act with a
15 delayed effective date)

16 (Section scheduled to be repealed on January 1, 2021)

17 Sec. 1-5. Definitions. In this Act:

18 "Assessment" means any costs imposed on a defendant under
19 schedules 1 through 13 of this Act.

20 "Business offense" means any offense punishable by a fine
21 in excess of \$1,000 and for which a sentence of imprisonment is
22 not an authorized disposition.

23 "Case" means all charges and counts filed against a single
24 defendant which are being prosecuted as a single proceeding

1 before the court.

2 "Count" means each separate offense charged in the same
3 indictment, information, or complaint when the indictment,
4 information, or complaint alleges the commission of more than
5 one offense.

6 "Conservation offense" means any violation of the
7 following Acts, Codes, or ordinances, except any offense
8 punishable upon conviction by imprisonment in the
9 penitentiary:

- 10 (1) Fish and Aquatic Life Code;
- 11 (2) Wildlife Code;
- 12 (3) Boat Registration and Safety Act;
- 13 (4) Park District Code;
- 14 (5) Chicago Park District Act;
- 15 (6) State Parks Act;
- 16 (7) State Forest Act;
- 17 (8) Forest Fire Protection District Act;
- 18 (9) Snowmobile Registration and Safety Act;
- 19 (10) Endangered Species Protection Act;
- 20 (11) Forest Products Transportation Act;
- 21 (12) Timber Buyers Licensing Act;
- 22 (13) Downstate Forest Preserve District Act;
- 23 (14) Exotic Weed Act;
- 24 (15) Ginseng Harvesting Act;
- 25 (16) Cave Protection Act;
- 26 (17) ordinances adopted under the Counties Code for the

1 acquisition of property for parks or recreational areas;
2 (18) Recreational Trails of Illinois Act;
3 (19) Herptiles-Herps Act; or
4 (20) any rule, regulation, proclamation, or ordinance
5 adopted under any Code or Act named in paragraphs (1)
6 through (19) of this definition.

7 "Conviction" means a judgment of conviction or sentence
8 entered upon a plea of guilty or upon a verdict or finding of
9 guilty of an offense, rendered by a legally constituted jury or
10 by a court of competent jurisdiction authorized to try the case
11 without a jury.

12 "Drug offense" means any violation of the Cannabis Control
13 Act, the Illinois Controlled Substances Act, the
14 Methamphetamine Control and Community Protection Act, or any
15 similar local ordinance which involves the possession or
16 delivery of a drug.

17 "Drug-related emergency response" means the act of
18 collecting evidence from or securing a site where controlled
19 substances were manufactured, or where by-products from the
20 manufacture of controlled substances are present, and cleaning
21 up the site, whether these actions are performed by public
22 entities or private contractors paid by public entities.

23 "Electronic citation" means the process of transmitting
24 traffic, misdemeanor, ordinance, conservation, or other
25 citations and law enforcement data via electronic means to a
26 circuit court clerk.

1 "Emergency response" means any incident requiring a
2 response by a police officer, an ambulance, a firefighter
3 carried on the rolls of a regularly constituted fire department
4 or fire protection district, a firefighter of a volunteer fire
5 department, or a member of a recognized not-for-profit rescue
6 or emergency medical service provider. "Emergency response"
7 does not include a drug-related emergency response.

8 "Felony offense" means an offense for which a sentence to a
9 term of imprisonment in a penitentiary for one year or more is
10 provided.

11 "Fine" means a pecuniary punishment for a conviction or
12 supervision disposition as ordered by a court of law.

13 "Highest classified offense" means the offense in the case
14 which carries the most severe potential disposition under
15 Article 4.5 of Chapter V of the Unified Code of Corrections.

16 "Major traffic offense" means a traffic offense, as defined
17 by paragraph (f) of Supreme Court Rule 501, other than a petty
18 offense or business offense.

19 "Minor traffic offense" means a traffic offense, as defined
20 by paragraph (f) of Supreme Court Rule 501, that is a petty
21 offense or business offense.

22 "Misdemeanor offense" means any offense for which a
23 sentence to a term of imprisonment in other than a penitentiary
24 for less than one year may be imposed.

25 ~~"Offense" means a violation of any local ordinance or penal~~
26 ~~statute of this State.~~

1 "Petty offense" means any offense punishable by a fine of
2 up to \$1,000 and for which a sentence of imprisonment is not an
3 authorized disposition.

4 "Service provider costs" means costs incurred as a result
5 of services provided by an entity including, but not limited
6 to, traffic safety programs, laboratories, ambulance
7 companies, and fire departments. "Service provider costs"
8 includes conditional amounts under this Act that are
9 reimbursements for services provided.

10 "Street value" means the amount determined by the court on
11 the basis of testimony of law enforcement personnel and the
12 defendant as to the amount of drug or materials seized and any
13 testimony as may be required by the court as to the current
14 street value of the cannabis, controlled substance,
15 methamphetamine or salt of an optical isomer of
16 methamphetamine, or methamphetamine manufacturing materials
17 seized.

18 "Supervision" means a disposition of conditional and
19 revocable release without probationary supervision, but under
20 the conditions and reporting requirements as are imposed by the
21 court, at the successful conclusion of which disposition the
22 defendant is discharged and a judgment dismissing the charges
23 is entered.

24 (Source: P.A. 100-987, eff. 7-1-19; 100-994, eff. 7-1-19;
25 100-1161, eff. 7-1-19.)

26 Section 99. Effective date. This Act takes effect July 1,

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1 2019.