

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. If and only if House Bill 4594 of the 100th
5 General Assembly as amended by House Amendment No. 1 becomes
6 law, then "AN ACT concerning fees, fines, and assessments"
7 (House Bill 4594 of the 100th General Assembly) is amended by
8 changing Section 1-5 as follows:

9 (H.B. 4594, 100th G.A., Sec. 1-5)

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

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

13 "Business offense" means a petty offense for which the fine
14 is in excess of \$1,000.

15 "Case" means all charges and counts filed against a single
16 defendant which are being prosecuted as a single proceeding
17 before the court.

18 "Count" means each separate offense charged in the same
19 indictment, information, or complaint when the indictment,
20 information, or complaint alleges the commission of more than
21 one offense.

22 "Conservation offense" means any violation of the
23 following Acts, Codes, or ordinances, except any offense

1 punishable upon conviction by imprisonment in the
2 penitentiary:

3 (1) Fish and Aquatic Life Code;

4 (2) Wildlife Code;

5 (3) Boat Registration and Safety Act;

6 (4) Park District Code;

7 (5) Chicago Park District Act;

8 (6) State Parks Act;

9 (7) State Forest Act;

10 (8) Forest Fire Protection District Act;

11 (9) Snowmobile Registration and Safety Act;

12 (10) Endangered Species Protection Act;

13 (11) Forest Products Transportation Act;

14 (12) Timber Buyers Licensing Act;

15 (13) Downstate Forest Preserve District Act;

16 (14) Exotic Weed Act;

17 (15) Ginseng Harvesting Act;

18 (16) Cave Protection Act;

19 (17) ordinances adopted under the Counties Code for the
20 acquisition of property for parks or recreational areas;

21 (18) Recreational Trails of Illinois Act;

22 (19) Herptiles-Herps Act; or

23 (20) any rule, regulation, proclamation, or ordinance
24 adopted under any Code or Act named in paragraphs (1)
25 through (19) of this definition.

26 "Conviction" means a judgment of conviction or sentence

1 entered upon a plea of guilty or upon a verdict or finding of
2 guilty of an offense, rendered by a legally constituted jury or
3 by a court of competent jurisdiction authorized to try the case
4 without a jury.

5 "Drug offense" means any violation of the Cannabis Control
6 Act, the Illinois Controlled Substances Act, the
7 Methamphetamine Control and Community Protection Act, or any
8 similar local ordinance which involves the possession or
9 delivery of a drug.

10 "Drug-related emergency response" means the act of
11 collecting evidence from or securing a site where controlled
12 substances were manufactured, or where by-products from the
13 manufacture of controlled substances are present, and cleaning
14 up the site, whether these actions are performed by public
15 entities or private contractors paid by public entities.

16 "Electronic citation" means the process of transmitting
17 traffic, misdemeanor, municipal ordinance, conservation, or
18 other citations and law enforcement data via electronic means
19 to a circuit court clerk.

20 "Emergency response" means any incident requiring a
21 response by a police officer, an ambulance, a firefighter
22 carried on the rolls of a regularly constituted fire department
23 or fire protection district, a firefighter of a volunteer fire
24 department, or a member of a recognized not-for-profit rescue
25 or emergency medical service provider. "Emergency response"
26 does not include a drug-related emergency response.

1 "Felony offense" means an offense for which a sentence to a
2 term of imprisonment in a penitentiary for one year or more is
3 provided.

4 "Fine" means a pecuniary punishment for a conviction as
5 ordered by a court of law.

6 "Highest classified offense" means the offense in the case
7 which carries the most severe potential disposition under
8 Article 4.5 of the Unified Code of Corrections.

9 "Major traffic offense" means a traffic offense under the
10 Illinois Vehicle Code or a similar provision of a local
11 ordinance other than a petty offense or business offense.

12 "Minor traffic offense" means a petty offense or business
13 offense under the Illinois Vehicle Code or a similar provision
14 of a local ordinance.

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

18 "Offense" means a violation of any local ordinance or penal
19 statute of this State.

20 "Petty offense" means any offense for which a sentence of
21 imprisonment is not an authorized disposition.

22 "Service provider costs" means costs incurred as a result
23 of services provided by an entity including, but not limited
24 to, traffic safety programs, laboratories, ambulance
25 companies, and fire departments. "Service provider costs"
26 includes conditional amounts under this Act that are

1 reimbursements for services provided.

2 "Street value" means the amount determined by the court on
3 the basis of testimony of law enforcement personnel and the
4 defendant as to the amount of drug or materials seized and any
5 testimony as may be required by the court as to the current
6 street value of the cannabis, controlled substance,
7 methamphetamine or salt of an optical isomer of
8 methamphetamine, or methamphetamine manufacturing materials
9 seized.

10 "Supervision" means a disposition of conditional and
11 revocable release without probationary supervision, but under
12 the conditions and reporting requirements as are imposed by the
13 court, at the successful conclusion of which disposition the
14 defendant is discharged and a judgment dismissing the charges
15 is entered.

16 (Source: H.B. 4594, 100th G.A., Sec. 1-5.)

17 Section 10. If and only if the provisions of House Bill
18 4594 of the 100th General Assembly as amended by House
19 Amendment No. 1 that are changed by this amendatory Act of the
20 100th General Assembly becomes law, then the Clerks of Courts
21 Act is amended by changing Section 27.1b as follows:

22 (705 ILCS 105/27.1b)

23 Sec. 27.1b. Circuit court clerk fees. Notwithstanding any
24 other provision of law, all fees charged by the clerks of the

1 circuit court for the services described in this Section shall
2 be established, collected, and disbursed in accordance with
3 this Section. Except as otherwise specified in this Section,
4 all ~~All~~ fees under this Section shall be paid in advance and
5 disbursed by each clerk on a monthly basis. In a county with a
6 population of over 3,000,000, units of local government and
7 school districts shall not be required to pay fees under this
8 Section in advance and the clerk shall instead send an itemized
9 bill to the unit of local government or school district, within
10 30 days of the fee being incurred, and the unit of local
11 government or school district shall be allowed at least 30 days
12 from the date of the itemized bill to pay; these payments shall
13 be disbursed by each clerk on a monthly basis. Unless otherwise
14 specified in this Section, the amount of a fee shall be
15 determined by ordinance or resolution of the county board and
16 remitted to the county treasurer to be used for purposes
17 related to the operation of the court system in the county. In
18 a county with population of over 3,000,000, any amount retained
19 by the clerk of the circuit court or remitted to the county
20 treasurer shall be subject to appropriation by the county
21 board.

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

1 (1) SCHEDULE 1: not to exceed a total of \$366 in a
2 county with a population of 3,000,000 or more and \$316 in
3 any other county, except as applied to units of local
4 government and school districts in counties with more than
5 3,000,000 inhabitants an amount not to exceed \$190 through
6 December 31, 2021 and \$184 on and after January 1, 2022.
7 The fees collected under this schedule shall be disbursed
8 as follows:

9 (A) The clerk shall retain a sum, in an amount not
10 to exceed \$55 in a county with a population of
11 3,000,000 or more and \$45 in any other county
12 determined by the clerk with the approval of the
13 Supreme Court, to be used for court automation, court
14 document storage, and administrative purposes.

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

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

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

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

26 (C) The clerk shall remit a sum to the County

1 Treasurer, in an amount not to exceed \$290 in a county
2 with a population of 3,000,000 or more and in an amount
3 not to exceed \$250 in any other county, as specified by
4 ordinance or resolution passed by the county board, for
5 purposes related to the operation of the court system
6 in the county.

7 (2) SCHEDULE 2: not to exceed a total of \$357 in a
8 county with a population of 3,000,000 or more and \$266 in
9 any other county, except as applied to units of local
10 government and school districts in counties with more than
11 3,000,000 inhabitants an amount not to exceed \$190 through
12 December 31, 2021 and \$184 on and after January 1, 2022.
13 The fees collected under this schedule shall be disbursed
14 as follows:

15 (A) The clerk shall retain a sum, in an amount not
16 to exceed \$55 in a county with a population of
17 3,000,000 or more and \$45 in any other county
18 determined by the clerk with the approval of the
19 Supreme Court, to be used for court automation, court
20 document storage, and administrative purposes.

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

25 (i) up to \$10, as specified by the Supreme
26 Court in accordance with Part 10A of Article II of

1 the Code of Civil Procedure, into the Mandatory
2 Arbitration Fund;

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

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

6 (C) The clerk shall remit a sum to the County
7 Treasurer, in an amount not to exceed \$281 in a county
8 with a population of 3,000,000 or more and in an amount
9 not to exceed \$200 in any other county, as specified by
10 ordinance or resolution passed by the county board, for
11 purposes related to the operation of the court system
12 in the county.

13 (3) SCHEDULE 3: not to exceed a total of \$265 in a
14 county with a population of 3,000,000 or more and \$89 in
15 any other county, except as applied to units of local
16 government and school districts in counties with more than
17 3,000,000 inhabitants an amount not to exceed \$190 through
18 December 31, 2021 and \$184 on and after January 1, 2022.
19 The fees collected under this schedule shall be disbursed
20 as follows:

21 (A) The clerk shall retain a sum, in an amount not
22 to exceed \$55 in a county with a population of
23 3,000,000 or more and \$22 in any other county
24 determined by the clerk with the approval of the
25 Supreme Court, to be used for court automation, court
26 document storage, and administrative purposes.

1 (B) The clerk shall remit \$11 to the State
2 Treasurer. The State Treasurer shall deposit the
3 appropriate amounts in accordance with the clerk's
4 instructions, as follows:

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

6 (ii) \$9 into the Supreme Court Special
7 Purposes Fund.

8 (C) The clerk shall remit a sum to the County
9 Treasurer, in an amount not to exceed \$199 in a county
10 with a population of 3,000,000 or more and in an amount
11 not to exceed \$56 in any other county, as specified by
12 ordinance or resolution passed by the county board, for
13 purposes related to the operation of the court system
14 in the county.

15 (4) SCHEDULE 4: \$0.

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

21 (1) SCHEDULE 1: not to exceed a total of \$230 in a
22 county with a population of 3,000,000 or more and \$191 in
23 any other county, except as applied to units of local
24 government and school districts in counties with more than
25 3,000,000 inhabitants an amount not to exceed \$75. The fees
26 collected under this schedule shall be disbursed as

1 follows:

2 (A) The clerk shall retain a sum, in an amount not
3 to exceed \$50 in a county with a population of
4 3,000,000 or more and \$45 in any other county
5 determined by the clerk with the approval of the
6 Supreme Court, to be used for court automation, court
7 document storage, and administrative purposes.

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

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

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

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

19 (C) The clerk shall remit a sum to the County
20 Treasurer, in an amount not to exceed \$159 in a county
21 with a population of 3,000,000 or more and in an amount
22 not to exceed \$125 in any other county, as specified by
23 ordinance or resolution passed by the county board, for
24 purposes related to the operation of the court system
25 in the county.

26 (2) SCHEDULE 2: not to exceed a total of \$130 in a

1 county with a population of 3,000,000 or more and \$109 in
2 any other county, except as applied to units of local
3 government and school districts in counties with more than
4 3,000,000 inhabitants an amount not to exceed \$75. The fees
5 collected under this schedule shall be disbursed as
6 follows:

7 (A) The clerk shall retain a sum, in an amount not
8 to exceed \$50 in a county with a population of
9 3,000,000 or more and \$10 in any other county
10 determined by the clerk with the approval of the
11 Supreme Court, to be used for court automation, court
12 document storage, and administrative purposes.

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

16 (C) The clerk shall remit a sum to the County
17 Treasurer, in an amount not to exceed \$71 in a county
18 with a population of 3,000,000 or more and in an amount
19 not to exceed \$90 in any other county, as specified by
20 ordinance or resolution passed by the county board, for
21 purposes related to the operation of the court system
22 in the county.

23 (3) SCHEDULE 3: \$0.

24 (b-5) Kane County and Will County. In Kane County and Will
25 County civil cases, there is an additional fee of up to \$30 as
26 set by the county board under Section 5-1101.3 of the Counties

1 Code to be paid by each party at the time of filing the first
2 pleading, paper, or other appearance; provided that no
3 additional fee shall be required if more than one party is
4 represented in a single pleading, paper, or other appearance.
5 Distribution of fees collected under this subsection (b-5)
6 shall be as provided in Section 5-1101.3 of the Counties Code.

7 (c) Counterclaim or third party complaint. When any
8 defendant files a counterclaim or third party complaint, as
9 part of the defendant's answer or otherwise, the defendant
10 shall pay a filing fee for each counterclaim or third party
11 complaint in an amount equal to the filing fee the defendant
12 would have had to pay had the defendant brought a separate
13 action for the relief sought in the counterclaim or third party
14 complaint, less the amount of the appearance fee, if any, that
15 the defendant has already paid in the action in which the
16 counterclaim or third party complaint is filed.

17 (d) Alias summons. The clerk shall collect a fee not to
18 exceed \$6 in a county with a population of 3,000,000 or more
19 and \$5 in any other county for each alias summons or citation
20 issued by the clerk, except as applied to units of local
21 government and school districts in counties with more than
22 3,000,000 inhabitants an amount not to exceed \$5 for each alias
23 summons or citation issued by the clerk.

24 (e) Jury services. The clerk shall collect, in addition to
25 other fees allowed by law, a sum not to exceed \$212.50, as a
26 fee for the services of a jury in every civil action not

1 quasi-criminal in its nature and not a proceeding for the
2 exercise of the right of eminent domain and in every other
3 action wherein the right of trial by jury is or may be given by
4 law. The jury fee shall be paid by the party demanding a jury
5 at the time of filing the jury demand. If the fee is not paid by
6 either party, no jury shall be called in the action or
7 proceeding, and the action or proceeding shall be tried by the
8 court without a jury.

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

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

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

16 (g) Petition to vacate or modify.

17 (1) In a proceeding involving a petition to vacate or
18 modify any final judgment or order filed within 30 days
19 after the judgment or order was entered, except for a
20 forcible entry and detainer case, small claims case,
21 petition to reopen an estate, petition to modify,
22 terminate, or enforce a judgment or order for child or
23 spousal support, or petition to modify, suspend, or
24 terminate an order for withholding, the fee shall not
25 exceed \$60 in a county with a population of 3,000,000 or
26 more and \$50 in any other county, except as applied to

1 units of local government and school districts in counties
2 with more than 3,000,000 inhabitants an amount not to
3 exceed \$50.

4 (2) In a proceeding involving a petition to vacate or
5 modify any final judgment or order filed more than 30 days
6 after the judgment or order was entered, except for a
7 petition to modify, terminate, or enforce a judgment or
8 order for child or spousal support, or petition to modify,
9 suspend, or terminate an order for withholding, the fee
10 shall not exceed \$75.

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

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

19 (1) if the record contains no more than 100 pages, the
20 fee shall not exceed \$70 in a county with a population of
21 3,000,000 or more and \$50 in any other county;

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

24 (3) if the record contains 200 or more pages, the clerk
25 may collect an additional fee not to exceed 25 cents per
26 page.

1 (i) Remands. In any cases remanded to the circuit court
2 from the Supreme Court or the appellate court for a new trial,
3 the clerk shall reinstate the case with either its original
4 number or a new number. The clerk shall not charge any new or
5 additional fee for the reinstatement. Upon reinstatement, the
6 clerk shall advise the parties of the reinstatement. Parties
7 shall have the same right to a jury trial on remand and
8 reinstatement that they had before the appeal, and no
9 additional or new fee or charge shall be made for a jury trial
10 after remand.

11 (j) Garnishment, wage deduction, and citation. In
12 garnishment affidavit, wage deduction affidavit, and citation
13 petition proceedings:

14 (1) if the amount in controversy in the proceeding is
15 not more than \$1,000, the fee may not exceed \$35 in a
16 county with a population of 3,000,000 or more and \$15 in
17 any other county, except as applied to units of local
18 government and school districts in counties with more than
19 3,000,000 inhabitants an amount not to exceed \$15;

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

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

7 (j-5) Debt Collection. In any proceeding to collect a debt
8 subject to the exception in item (ii) of subparagraph (A-5) of
9 paragraph (1) of subsection (z) of this Section, the circuit
10 court shall order and the clerk shall collect from each
11 judgment debtor a fee of:

12 (1) \$35 if the amount in controversy in the proceeding
13 is not more than \$1,000;

14 (2) \$45 if the amount in controversy in the proceeding
15 is greater than \$1,000 and not more than \$5,000; and

16 (3) \$65 if the amount in controversy in the proceeding
17 is greater than \$5,000.

18 (k) Collections.

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

23 (2) In child support and maintenance cases, the clerk
24 may collect an annual fee of up to \$36 from the person
25 making payment for maintaining child support records and
26 the processing of support orders to the State of Illinois

1 KIDS system and the recording of payments issued by the
2 State Disbursement Unit for the official record of the
3 Court. This fee is in addition to and separate from amounts
4 ordered to be paid as maintenance or child support and
5 shall be deposited into a Separate Maintenance and Child
6 Support Collection Fund, of which the clerk shall be the
7 custodian, ex officio, to be used by the clerk to maintain
8 child support orders and record all payments issued by the
9 State Disbursement Unit for the official record of the
10 Court. The clerk may recover from the person making the
11 maintenance or child support payment any additional cost
12 incurred in the collection of this annual fee.

13 (3) The clerk may collect a fee of \$5 for
14 certifications made to the Secretary of State as provided
15 in Section 7-703 of the Family Financial Responsibility Law
16 and these fees shall be deposited into the Separate
17 Maintenance and Child Support Collection Fund.

18 (4) In proceedings to foreclose the lien of delinquent
19 real estate taxes State's Attorneys shall receive a fee of
20 10% of the total amount realized from the sale of real
21 estate sold in the proceedings. The clerk shall collect the
22 fee from the total amount realized from the sale of the
23 real estate sold in the proceedings and remit to the County
24 Treasurer to be credited to the earnings of the Office of
25 State's Attorney.

26 (1) Mailing. The fee for the clerk mailing documents shall

1 not exceed \$10 plus the cost of postage.

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

4 (n) Certification, authentication, and reproduction.

5 (1) The fee for each certification or authentication
6 for taking the acknowledgment of a deed or other instrument
7 in writing with the seal of office shall not exceed \$6.

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

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

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

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

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

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

23 (q) Index inquiry and other records. No fee shall be
24 charged for a single plaintiff and defendant index inquiry or
25 single case record inquiry when this request is made in person
26 and the records are maintained in a current automated medium,

1 and when no hard copy print output is requested. The fees to be
2 charged for management records, multiple case records, and
3 multiple journal records may be specified by the Chief Judge
4 pursuant to the guidelines for access and dissemination of
5 information approved by the Supreme Court.

6 (r) Performing a marriage. There shall be a \$10 fee for
7 performing a marriage in court.

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

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

25 (u) Transcripts of judgment. For the filing of a transcript
26 of judgment, the clerk may collect the same fee as if it were

1 the commencement of a new suit.

2 (v) Probate filings.

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

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

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

25 (4) There shall be no fee for filing in an estate: (i)
26 the appearance of any person for the purpose of consent; or

1 (ii) the appearance of an executor, administrator,
2 administrator to collect, guardian, guardian ad litem, or
3 special administrator.

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

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

9 (7) For each exemplification, the fee shall not exceed
10 \$2, plus the fee for certification.

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

15 (9) The person on whose behalf a charge is incurred for
16 witness, court reporter, appraiser, or other miscellaneous
17 fees shall pay the same directly to the person entitled
18 thereto.

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

25 (w) Corrections of numbers. For correction of the case
26 number, case title, or attorney computer identification

1 number, if required by rule of court, on any document filed in
2 the clerk's office, to be charged against the party that filed
3 the document, the fee shall not exceed \$25.

4 (x) Miscellaneous.

5 (1) Interest earned on any fees collected by the clerk
6 shall be turned over to the county general fund as an
7 earning of the office.

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

12 (y) Other fees. The clerk of the circuit court may provide
13 services in connection with the operation of the clerk's
14 office, other than those services mentioned in this Section, as
15 may be requested by the public and agreed to by the clerk and
16 approved by the Chief Judge. Any charges for additional
17 services shall be as agreed to between the clerk and the party
18 making the request and approved by the Chief Judge. Nothing in
19 this subsection shall be construed to require any clerk to
20 provide any service not otherwise required by law.

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

1 after 60 days, and 15% of the unpaid fees that remain unpaid
2 after 90 days. Notice to those parties may be made by signage
3 posting or publication. The additional delinquency amounts
4 collected under this Section shall be used to defray additional
5 administrative costs incurred by the clerk of the circuit court
6 in collecting unpaid fees and costs.

7 (z) Exceptions.

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

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

16 (A-5) any unit of local government or school
17 district, except in counties having a population of
18 500,000 or more the county board may by resolution set
19 fees for units of local government or school districts
20 no greater than the minimum fees applicable in counties
21 with a population less than 3,000,000; provided
22 however, no fee may be charged to any unit of local
23 government or school district in connection with any
24 action which, in whole or in part, is: (i) to enforce
25 an ordinance; (ii) to collect a debt; or (iii) under
26 the Administrative Review Law in counties having a

1 ~~population of 500,000 or less and the county board in~~
2 ~~counties having a population exceeding 500,000 may by~~
3 ~~resolution set reduced fees for units of local~~
4 ~~government or school districts;~~

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

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

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

26 (E) proceedings for the appointment of a

1 confidential intermediary under the Adoption Act.

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

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

9 (aa) This Section is repealed on December 31, 2019.

10 (Source: 100HB4594enr.)

11 Section 99. Effective date. This Act takes effect July 1,
12 2019.