



Rep. Steven A. Andersson

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1 AMENDMENT TO SENATE BILL 544

2 AMENDMENT NO. _____. Amend Senate Bill 544 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. If and only if House Bill 4594 of the 100th
5 General Assembly becomes law, then "AN ACT concerning fees,
6 fines, and assessments" (House Bill 4594 of the 100th General
7 Assembly) is amended by changing Section 1-5 as follows:

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

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

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

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

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

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

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

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

1 (18) Recreational Trails of Illinois Act;

2 (19) Herptiles-Herps Act; or

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

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

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

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

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

26 "Emergency response" means any incident requiring a

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

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

10 "Fine" means a pecuniary punishment for a conviction as
11 ordered by a court of law.

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

15 "Major traffic offense" means a traffic offense under the
16 Illinois Vehicle Code or a similar provision of a local
17 ordinance other than a petty offense or business offense.

18 "Minor traffic offense" means a petty offense or business
19 offense under the Illinois Vehicle Code or a similar provision
20 of a local ordinance.

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

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

26 "Petty offense" means any offense for which a sentence of

1 imprisonment is not an authorized disposition.

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

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

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

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

23 Section 10. If and only if the provisions of House Bill
24 4594 of the 100th General Assembly that are changed by this
25 amendatory Act of the 100th General Assembly becomes law, then

1 the Clerks of Courts Act is amended by changing Section 27.1b
2 as follows:

3 (705 ILCS 105/27.1b)

4 Sec. 27.1b. Circuit court clerk fees. Notwithstanding any
5 other provision of law, all fees charged by the clerks of the
6 circuit court for the services described in this Section shall
7 be established, collected, and disbursed in accordance with
8 this Section. Except as otherwise specified in this Section,
9 all ~~All~~ fees under this Section shall be paid in advance and
10 disbursed by each clerk on a monthly basis. In a county with a
11 population of over 3,000,000, units of local government and
12 school districts shall not be required to pay fees under this
13 Section in advance and the clerk shall instead send an itemized
14 bill to the unit of local government or school district, within
15 30 days of the fee being incurred, and the unit of local
16 government or school district shall be allowed at least 30 days
17 from the date of the itemized bill to pay; these payments shall
18 be disbursed by each clerk on a monthly basis. Unless otherwise
19 specified in this Section, the amount of a fee shall be
20 determined by ordinance or resolution of the county board and
21 remitted to the county treasurer to be used for purposes
22 related to the operation of the court system in the county. In
23 a county with population of over 3,000,000, any amount retained
24 by the clerk of the circuit court or remitted to the county
25 treasurer shall be subject to appropriation by the county

1 board.

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

7 (1) SCHEDULE 1: not to exceed a total of \$366 in a
8 county with a population of 3,000,000 or more and \$316 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 \$290 in a county
8 with a population of 3,000,000 or more and in an amount
9 not to exceed \$250 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 (2) SCHEDULE 2: not to exceed a total of \$357 in a
14 county with a population of 3,000,000 or more and \$266 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 \$45 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 up to \$21 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) up to \$10, as specified by the Supreme
6 Court in accordance with Part 10A of Article II of
7 the Code of Civil Procedure, into the Mandatory
8 Arbitration Fund;

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

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

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

19 (3) SCHEDULE 3: not to exceed a total of \$265 in a
20 county with a population of 3,000,000 or more and \$89 in
21 any other county, except as applied to units of local
22 government and school districts in counties with more than
23 3,000,000 inhabitants an amount not to exceed \$190 through
24 December 31, 2021 and \$184 on and after January 1, 2022.
25 The fees collected under this schedule shall be disbursed
26 as follows:

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

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

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

12 (ii) \$9 into the Supreme Court Special
13 Purposes Fund.

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

21 (4) SCHEDULE 4: \$0.

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

1 (1) SCHEDULE 1: not to exceed a total of \$230 in a
2 county with a population of 3,000,000 or more and \$191 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 \$75. The fees
6 collected under this schedule shall be disbursed as
7 follows:

8 (A) The clerk shall retain a sum, in an amount not
9 to exceed \$50 in a county with a population of
10 3,000,000 or more and \$45 in any other county
11 determined by the clerk with the approval of the
12 Supreme Court, to be used for court automation, court
13 document storage, and administrative purposes.

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

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

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

23 (iii) \$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 \$159 in a county

1 with a population of 3,000,000 or more and in an amount
2 not to exceed \$125 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 (2) SCHEDULE 2: not to exceed a total of \$130 in a
7 county with a population of 3,000,000 or more and \$109 in
8 any other county, except as applied to units of local
9 government and school districts in counties with more than
10 3,000,000 inhabitants an amount not to exceed \$75. The fees
11 collected under this schedule shall be disbursed as
12 follows:

13 (A) The clerk shall retain a sum, in an amount not
14 to exceed \$50 in a county with a population of
15 3,000,000 or more and \$10 in any other county
16 determined by the clerk with the approval of the
17 Supreme Court, to be used for court automation, court
18 document storage, and administrative purposes.

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

22 (C) The clerk shall remit a sum to the County
23 Treasurer, in an amount not to exceed \$71 in a county
24 with a population of 3,000,000 or more and in an amount
25 not to exceed \$90 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: \$0.

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

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

23 (d) Alias summons. The clerk shall collect a fee not to
24 exceed \$6 in a county with a population of 3,000,000 or more
25 and \$5 in any other county for each alias summons or citation
26 issued by the clerk, except as applied to units of local

1 government and school districts in counties with more than
2 3,000,000 inhabitants an amount not to exceed \$5 for each alias
3 summons or citation issued by the clerk.

4 (e) Jury services. The clerk shall collect, in addition to
5 other fees allowed by law, a sum not to exceed \$212.50, as a
6 fee for the services of a jury in every civil action not
7 quasi-criminal in its nature and not a proceeding for the
8 exercise of the right of eminent domain and in every other
9 action wherein the right of trial by jury is or may be given by
10 law. The jury fee shall be paid by the party demanding a jury
11 at the time of filing the jury demand. If the fee is not paid by
12 either party, no jury shall be called in the action or
13 proceeding, and the action or proceeding shall be tried by the
14 court without a jury.

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

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

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

22 (g) Petition to vacate or modify.

23 (1) In a proceeding involving a petition to vacate or
24 modify any final judgment or order filed within 30 days
25 after the judgment or order was entered, except for a
26 forcible entry and detainer case, small claims case,

1 petition to reopen an estate, petition to modify,
2 terminate, or enforce a judgment or order for child or
3 spousal support, or petition to modify, suspend, or
4 terminate an order for withholding, the fee shall not
5 exceed \$60 in a county with a population of 3,000,000 or
6 more and \$50 in any other county, except as applied to
7 units of local government and school districts in counties
8 with more than 3,000,000 inhabitants an amount not to
9 exceed \$50.

10 (2) In a proceeding involving a petition to vacate or
11 modify any final judgment or order filed more than 30 days
12 after the judgment or order was entered, except for a
13 petition to modify, terminate, or enforce a judgment or
14 order for child or spousal support, or petition to modify,
15 suspend, or terminate an order for withholding, the fee
16 shall not exceed \$75.

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

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

25 (1) if the record contains no more than 100 pages, the
26 fee shall not exceed \$70 in a county with a population of

1 3,000,000 or more and \$50 in any other county;

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

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

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

17 (j) Garnishment, wage deduction, and citation. In
18 garnishment affidavit, wage deduction affidavit, and citation
19 petition proceedings:

20 (1) if the amount in controversy in the proceeding is
21 not more than \$1,000, the fee may not exceed \$35 in a
22 county with a population of 3,000,000 or more and \$15 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 \$15;

26 (2) if the amount in controversy in the proceeding is

1 greater than \$1,000 and not more than \$5,000, the fee may
2 not exceed \$45 in a county with a population of 3,000,000
3 or more and \$30 in any other county, except as applied to
4 units of local government and school districts in counties
5 with more than 3,000,000 inhabitants an amount not to
6 exceed \$30; and

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

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

18 (1) \$35 if the amount in controversy in the proceeding
19 is not more than \$1,000;

20 (2) \$45 if the amount in controversy in the proceeding
21 is greater than \$1,000 and not more than \$5,000; and

22 (3) \$65 if the amount in controversy in the proceeding
23 is greater than \$5,000.

24 (k) Collections.

25 (1) For all collections made of others, except the
26 State and county and except in maintenance or child support

1 cases, the clerk may collect a fee of up to 2.5% of the
2 amount collected and turned over.

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

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

24 (4) In proceedings to foreclose the lien of delinquent
25 real estate taxes State's Attorneys shall receive a fee of
26 10% of the total amount realized from the sale of real

1 estate sold in the proceedings. The clerk shall collect the
2 fee from the total amount realized from the sale of the
3 real estate sold in the proceedings and remit to the County
4 Treasurer to be credited to the earnings of the Office of
5 State's Attorney.

6 (l) Mailing. The fee for the clerk mailing documents shall
7 not exceed \$10 plus the cost of postage.

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

10 (n) Certification, authentication, and reproduction.

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

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

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

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

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

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

22 (p) Hard copy. For each page of hard copy print output,
23 when case records are maintained on an automated medium, the
24 clerk may collect a fee not to exceed \$10 in a county with a
25 population of 3,000,000 or more and \$6 in any other county,
26 except as applied to units of local government and school

1 districts in counties with more than 3,000,000 inhabitants an
2 amount not to exceed \$6.

3 (q) Index inquiry and other records. No fee shall be
4 charged for a single plaintiff and defendant index inquiry or
5 single case record inquiry when this request is made in person
6 and the records are maintained in a current automated medium,
7 and when no hard copy print output is requested. The fees to be
8 charged for management records, multiple case records, and
9 multiple journal records may be specified by the Chief Judge
10 pursuant to the guidelines for access and dissemination of
11 information approved by the Supreme Court.

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

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

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

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

8 (v) Probate filings.

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

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

24 (3) For filing in an estate a claim, petition, or
25 supplemental proceeding based upon an action seeking
26 equitable relief including the construction or contest of a

1 will, enforcement of a contract to make a will, and
2 proceedings involving testamentary trusts or the
3 appointment of testamentary trustees, the fee shall not
4 exceed \$60.

5 (4) There shall be no fee for filing in an estate: (i)
6 the appearance of any person for the purpose of consent; or
7 (ii) the appearance of an executor, administrator,
8 administrator to collect, guardian, guardian ad litem, or
9 special administrator.

10 (5) For each jury demand, the fee shall not exceed
11 \$137.50.

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

15 (7) For each exemplification, the fee shall not exceed
16 \$2, plus the fee for certification.

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

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

25 (10) The executor, administrator, guardian,
26 petitioner, or other interested person or his or her

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

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

10 (x) Miscellaneous.

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

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

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

1 (y-5) Unpaid fees. Unless a court ordered payment schedule
2 is implemented or the fee requirements of this Section are
3 waived under a court order, the clerk of the circuit court may
4 add to any unpaid fees and costs under this Section a
5 delinquency amount equal to 5% of the unpaid fees that remain
6 unpaid after 30 days, 10% of the unpaid fees that remain unpaid
7 after 60 days, and 15% of the unpaid fees that remain unpaid
8 after 90 days. Notice to those parties may be made by signage
9 posting or publication. The additional delinquency amounts
10 collected under this Section shall be used to defray additional
11 administrative costs incurred by the clerk of the circuit court
12 in collecting unpaid fees and costs.

13 (z) Exceptions.

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

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

22 (A-5) any unit of local government or school
23 district, except in counties having a population of
24 500,000 or more the county board may by resolution set
25 fees for units of local government or school districts
26 no greater than the minimum fees applicable in counties

1 with a population less than 3,000,000; provided
2 however, no fee may be charged to any unit of local
3 government or school district in connection with any
4 action which, in whole or in part, is: (i) to enforce
5 an ordinance; (ii) to collect a debt; or (iii) under
6 the Administrative Review Law in counties having a
7 ~~population of 500,000 or less and the county board in~~
8 ~~counties having a population exceeding 500,000 may by~~
9 ~~resolution set reduced fees for units of local~~
10 ~~government or school districts;~~

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

21 (C) any commitment petition or petition for an
22 order authorizing the administration of psychotropic
23 medication or electroconvulsive therapy under the
24 Mental Health and Developmental Disabilities Code;

25 (D) a petitioner in any order of protection
26 proceeding, including, but not limited to, fees for

1 filing, modifying, withdrawing, certifying, or
2 photocopying petitions for orders of protection,
3 issuing alias summons, any related filing service, or
4 certifying, modifying, vacating, or photocopying any
5 orders of protection; or

6 (E) proceedings for the appointment of a
7 confidential intermediary under the Adoption Act.

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

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

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

16 (Source: 100HB4594enr.)

17 Section 99. Effective date. This Act takes effect July 1,
18 2019."