



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB1935

Introduced 2/17/2021, by Rep. Tony McCombie

SYNOPSIS AS INTRODUCED:

705 ILCS 95/25
705 ILCS 105/27.1b
705 ILCS 105/27.1c
705 ILCS 135/1-10
705 ILCS 135/15-70
705 ILCS 135/20-5

Amends the Access to Justice Act. Provides that the Statutory Court Fee Task Force shall review and study the implementation and impact of the Criminal and Traffic Assessment Act and a provision regarding assessment reports in the Clerk of Courts Act. Requires the Task Force to submit a report containing its findings and any recommendations to the Supreme Court and the General Assembly by January 1, 2022. Makes corresponding changes in the Clerk of Courts Act and the Criminal and Traffic Assessment Act. Repeals a Section of the Clerks of Courts Act concerning court fees and the Criminal and Traffic Assessment Act on January 1, 2023 (rather than 2022).

LRB102 12751 LNS 18090 b

1 AN ACT concerning courts.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Access to Justice Act is amended by
5 changing Section 25 as follows:

6 (705 ILCS 95/25)

7 Sec. 25. Statutory Court Fee Task Force.

8 (a) There is hereby created the Statutory Court Fee Task
9 Force. The purpose of the Task Force is to conduct a thorough
10 review of the various statutory fees imposed or assessed on
11 criminal defendants and civil litigants.

12 (b) The Task Force shall consist of 15 members, appointed
13 as follows: one each by the Speaker of the House of
14 Representatives, the Minority Leader of the House of
15 Representatives, the President of the Senate, and the Minority
16 Leader of the Senate; 2 by the association representing
17 circuit court clerks; 2 by the Governor, and 7 by the Supreme
18 Court.

19 (c) At the direction of the Supreme Court, the
20 Administrative Office of the Illinois Courts shall provide
21 administrative support to the Task Force.

22 (d) The Task Force shall submit a report containing its
23 findings and any recommendations to the Supreme Court and the

1 General Assembly by June 1, 2016.

2 (e) The Task Force shall review and study the
3 implementation and impact of the Criminal and Traffic
4 Assessment Act and Section 27.1b of the Clerks of Courts Act,
5 including the associated Supreme Court Rules on civil and
6 criminal assessments. The Task Force shall specifically review
7 the Acts to make recommendations on how the following can be
8 implemented: (1) increasing funding for Court Appointed
9 Special Advocates; (2) ensuring sufficient funding for law
10 enforcement training and department operations; (3) decreasing
11 waiver levels and requiring documented proof of need for the
12 waiver; and (4) addressing any additional issues the Acts may
13 have created. The Task Force shall submit a report containing
14 its findings and any recommendations to the Supreme Court and
15 the General Assembly by January 1, 2022.

16 (Source: P.A. 98-351, eff. 8-15-13; 98-763, eff. 7-16-14.)

17 Section 10. The Clerks of Courts Act is amended by
18 changing Sections 27.1b and 27.1c as follows:

19 (705 ILCS 105/27.1b)

20 (Section scheduled to be repealed on January 1, 2022)

21 Sec. 27.1b. Circuit court clerk fees. Notwithstanding any
22 other provision of law, all fees charged by the clerks of the
23 circuit court for the services described in this Section shall
24 be established, collected, and disbursed in accordance with

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

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

25 (1) SCHEDULE 1: not to exceed a total of \$366 in a
26 county with a population of 3,000,000 or more and not to

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

7 (A) The clerk shall retain a sum, in an amount not
8 to exceed \$55 in a county with a population of
9 3,000,000 or more and in an amount not to exceed \$45 in
10 any other county determined by the clerk with the
11 approval of the Supreme Court, to be used for court
12 automation, court document storage, and administrative
13 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 \$290 in a county

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

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

14 (A) The clerk shall retain a sum, in an amount not
15 to exceed \$55 in a county with a population of
16 3,000,000 or more and in an amount not to exceed \$45 in
17 any other county determined by the clerk with the
18 approval of the Supreme Court, to be used for court
19 automation, court document storage, and administrative
20 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,
11 for purposes related to the operation of the court
12 system 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 not to
15 exceed \$89 in any other county, except as applied to units
16 of local government and school districts in counties with
17 more than 3,000,000 inhabitants an amount not to exceed
18 \$190 through December 31, 2021 and \$184 on and after
19 January 1, 2022. The fees collected under this schedule
20 shall be disbursed 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 in an amount not to exceed \$22 in
24 any other county determined by the clerk with the
25 approval of the Supreme Court, to be used for court
26 automation, court document storage, and administrative

1 purposes.

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

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

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

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

16 (4) SCHEDULE 4: \$0.

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

22 (1) SCHEDULE 1: not to exceed a total of \$230 in a
23 county with a population of 3,000,000 or more and not to
24 exceed \$191 in any other county, except as applied to
25 units of local government and school districts in counties
26 with more than 3,000,000 inhabitants an amount not to

1 exceed \$75. The fees collected under this schedule shall
2 be disbursed as follows:

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

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

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

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

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

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

1 system in the county.

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

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

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

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

26 (3) SCHEDULE 3: \$0.

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

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

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

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

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

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

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

19 (g) Petition to vacate or modify.

20 (1) In a proceeding involving a petition to vacate or
21 modify any final judgment or order filed within 30 days
22 after the judgment or order was entered, except for an
23 eviction case, small claims case, petition to reopen an
24 estate, petition to modify, terminate, or enforce a
25 judgment or order for child or spousal support, or
26 petition to modify, suspend, or terminate an order for

1 withholding, the fee shall not exceed \$60 in a county with
2 a population of 3,000,000 or more and shall not exceed \$50
3 in 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 \$50.

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

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

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

21 (1) if the record contains no more than 100 pages, the
22 fee shall not exceed \$70 in a county with a population of
23 3,000,000 or more and shall not exceed \$50 in any other
24 county;

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

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

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

14 (j) Garnishment, wage deduction, and citation. In
15 garnishment affidavit, wage deduction affidavit, and citation
16 petition proceedings:

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

24 (2) if the amount in controversy in the proceeding is
25 greater than \$1,000 and not more than \$5,000, the fee may
26 not exceed \$45 in a county with a population of 3,000,000

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

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

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

17 (1) \$35 if the amount in controversy in the proceeding
18 is not more than \$1,000;

19 (2) \$45 if the amount in controversy in the proceeding
20 is greater than \$1,000 and not more than \$5,000; and

21 (3) \$65 if the amount in controversy in the proceeding
22 is greater than \$5,000.

23 (k) Collections.

24 (1) For all collections made of others, except the
25 State and county and except in maintenance or child
26 support cases, the clerk may collect a fee of up to 2.5% of

1 the amount collected and turned over.

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

1 estate sold in the proceedings. The clerk shall collect
2 the fee from the total amount realized from the sale of the
3 real estate sold in the proceedings and remit to the
4 County Treasurer to be credited to the earnings of the
5 Office of the 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
13 instrument in writing with the seal of office shall not
14 exceed \$6.

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

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

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

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

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

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

1 other county, except as applied to units of local government
2 and school districts in counties with more than 3,000,000
3 inhabitants an amount not to exceed \$6.

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

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

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

1 other actions.

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

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

9 (v) Probate filings.

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

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

26 (3) For filing in an estate a claim, petition, or

1 supplemental proceeding based upon an action seeking
2 equitable relief including the construction or contest of
3 a will, enforcement of a contract to make a will, and
4 proceedings involving testamentary trusts or the
5 appointment of testamentary trustees, the fee shall not
6 exceed \$60.

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

12 (5) For each jury demand, the fee shall not exceed
13 \$137.50.

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

17 (7) For each exemplification, the fee shall not exceed
18 \$2, plus the fee for certification.

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

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

1 (10) The executor, administrator, guardian,
2 petitioner, or other interested person or his or her
3 attorney shall pay to the clerk all postage charges
4 incurred by the clerk in mailing petitions, orders,
5 notices, or other documents pursuant to the provisions of
6 the Probate Act of 1975.

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

12 (x) Miscellaneous.

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

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

20 (y) Other fees. Any fees not covered in this Section shall
21 be set by rule or administrative order of the circuit court
22 with the approval of the Administrative Office of the Illinois
23 Courts. The clerk of the circuit court may provide services in
24 connection with the operation of the clerk's office, other
25 than those services mentioned in this Section, as may be
26 requested by the public and agreed to by the clerk and approved

1 by the Chief Judge. Any charges for additional services shall
2 be as agreed to between the clerk and the party making the
3 request and approved by the Chief Judge. Nothing in this
4 subsection shall be construed to require any clerk to provide
5 any service not otherwise required by law.

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

20 (z) Exceptions.

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

22 (A) police departments or other law enforcement
23 agencies. In this Section, "law enforcement agency"
24 means: an agency of the State or agency of a unit of
25 local government which is vested by law or ordinance
26 with the duty to maintain public order and to enforce

1 criminal laws or ordinances; the Attorney General; or
2 any State's Attorney;

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

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

24 (C) any commitment petition or petition for an
25 order authorizing the administration of psychotropic
26 medication or electroconvulsive therapy under the

1 Mental Health and Developmental Disabilities Code;

2 (D) a petitioner in any order of protection
3 proceeding, including, but not limited to, fees for
4 filing, modifying, withdrawing, certifying, or
5 photocopying petitions for orders of protection,
6 issuing alias summons, any related filing service, or
7 certifying, modifying, vacating, or photocopying any
8 orders of protection; or

9 (E) proceedings for the appointment of a
10 confidential intermediary under the Adoption Act.

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

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

18 (aa) This Section is repealed on January 1, 2023 ~~2022~~.

19 (Source: P.A. 100-987, eff. 7-1-19; 100-994, eff. 7-1-19;
20 100-1161, eff. 7-1-19; 101-645, eff. 6-26-20; revised
21 8-18-20.)

22 (705 ILCS 105/27.1c)

23 (Section scheduled to be repealed on January 1, 2022)

24 Sec. 27.1c. Assessment report.

25 (a) Not later than March 1, 2021, and March 1 of every year

1 thereafter ~~February 29, 2020,~~ the clerk of the circuit court
2 shall submit to the Administrative Office of the Illinois
3 Courts an annual ~~a~~ report for the period January 1 July 1, 2019
4 through December 31 of the previous year. The report shall
5 contain ~~, 2019 containing,~~ with respect to each of the 4
6 categories of civil cases established by the Supreme Court
7 pursuant to Section 27.1b of this Act:

8 (1) the total number of cases that were filed;

9 (2) the amount of filing fees that were collected
10 pursuant to subsection (a) of Section 27.1b;

11 (3) the amount of appearance fees that were collected
12 pursuant to subsection (b) of Section 27.1b;

13 (4) the amount of fees collected pursuant to
14 subsection (b-5) of Section 27.1b;

15 (5) the amount of filing fees collected for
16 counterclaims or third party complaints pursuant to
17 subsection (c) of Section 27.1b;

18 (6) the nature and amount of any fees collected
19 pursuant to subsection (y) of Section 27.1b; and

20 (7) the number of cases for which, pursuant to Section
21 5-105 of the Code of Civil Procedure, there were waivers
22 of fees, costs, and charges of 25%, 50%, 75%, or 100%,
23 respectively, and the associated amount of fees, costs,
24 and charges that were waived.

25 (b) The Administrative Office of the Illinois Courts shall
26 publish the reports submitted under this Section on its

1 website.

2 (c) (Blank). ~~This Section is repealed on January 1, 2022.~~

3 (Source: P.A. 100-1161, eff. 7-1-19; 101-645, eff. 6-26-20.)

4 Section 15. The Criminal and Traffic Assessment Act is
5 amended by changing Sections 1-10, 15-70, and 20-5 as follows:

6 (705 ILCS 135/1-10)

7 (Section scheduled to be repealed on January 1, 2022)

8 Sec. 1-10. Assessment reports.

9 (a) Not later than March 1, 2021, and March 1 of every year
10 thereafter ~~February 29, 2020~~, the clerk of the circuit court
11 shall file with the Administrative Office of the Illinois
12 Courts:

13 (1) an annual ~~a~~ report for the period January 1 ~~July 1,~~
14 ~~2019~~ through December 31 of the previous year ~~, 2019~~
15 containing the total number of cases filed in the
16 following categories: total felony cases; felony driving
17 under the influence of alcohol, drugs, or a combination
18 thereof; cases that contain at least one count of driving
19 under the influence of alcohol, drugs, or a combination
20 thereof; felony cases that contain at least one count of a
21 drug offense; felony cases that contain at least one count
22 of a sex offense; total misdemeanor cases; misdemeanor
23 driving under the influence of alcohol, drugs, or a
24 combination thereof cases; misdemeanor cases that contain

1 at least one count of a drug offense; misdemeanor cases
2 that contain at least one count of a sex offense; total
3 traffic offense counts; traffic offense counts of a
4 misdemeanor offense under the Illinois Vehicle Code;
5 traffic offense counts of an overweight offense under the
6 Illinois Vehicle Code; traffic offense counts that are
7 satisfied under Supreme Court Rule 529; conservation
8 cases; and ordinance cases that do not contain an offense
9 under the Illinois Vehicle Code;

10 (2) an annual ~~a~~ report for the period January 1 ~~July 1,~~
11 ~~2019~~ through December 31 of the previous year ~~, 2019~~
12 containing the following for each schedule referenced in
13 Sections 15-5 through 15-70 of this Act: the number of
14 offenses for which assessments were imposed; the amount of
15 any fines imposed in addition to assessments; the number
16 and amount of conditional assessments ordered pursuant to
17 Section 15-70; and for 25%, 50%, 75%, and 100% waivers,
18 respectively, the number of offenses for which waivers
19 were granted and the associated amount of assessments that
20 were waived; and

21 (3) an annual ~~a~~ report for the period January 1 ~~July 1,~~
22 ~~2019~~ through December 31 of the previous year ~~, 2019~~
23 containing, with respect to each schedule referenced in
24 Sections 15-5 through 15-70 of this Act, the number of
25 offenses for which assessments were collected; the number
26 of offenses for which fines were collected and the amount

1 collected; and how much was disbursed to each fund under
2 the disbursement requirements for each schedule defined in
3 Section 15-5.

4 (b) The Administrative Office of the Illinois Courts shall
5 publish the reports submitted under this Section on its
6 website.

7 (c) A list of offenses that qualify as drug offenses for
8 Schedules 3 and 7 and a list of offenses that qualify as sex
9 offenses for Schedules 4 and 8 shall be distributed to clerks
10 of the circuit court by the Administrative Office of the
11 Illinois Courts.

12 (Source: P.A. 100-1161, eff. 7-1-19.)

13 (705 ILCS 135/15-70)

14 (Section scheduled to be repealed on January 1, 2022)

15 Sec. 15-70. Conditional assessments. In addition to
16 payments under one of the Schedule of Assessments 1 through 13
17 of this Act, the court shall also order payment of any of the
18 following conditional assessment amounts for each sentenced
19 violation in the case to which a conditional assessment is
20 applicable, which shall be collected and remitted by the Clerk
21 of the Circuit Court as provided in this Section:

22 (1) arson, residential arson, or aggravated arson,
23 \$500 per conviction to the State Treasurer for deposit
24 into the Fire Prevention Fund;

25 (2) child pornography under Section 11-20.1 of the

1 Criminal Code of 1961 or the Criminal Code of 2012, \$500
2 per conviction, unless more than one agency is responsible
3 for the arrest in which case the amount shall be remitted
4 to each unit of government equally:

5 (A) if the arresting agency is an agency of a unit
6 of local government, \$500 to the treasurer of the unit
7 of local government for deposit into the unit of local
8 government's General Fund, except that if the
9 Department of State Police provides digital or
10 electronic forensic examination assistance, or both,
11 to the arresting agency then \$100 to the State
12 Treasurer for deposit into the State Crime Laboratory
13 Fund; or

14 (B) if the arresting agency is the Department of
15 State Police, \$500 to the State Treasurer for deposit
16 into the State Crime Laboratory Fund;

17 (3) crime laboratory drug analysis for a drug-related
18 offense involving possession or delivery of cannabis or
19 possession or delivery of a controlled substance as
20 defined in the Cannabis Control Act, the Illinois
21 Controlled Substances Act, or the Methamphetamine Control
22 and Community Protection Act, \$100 reimbursement for
23 laboratory analysis, as set forth in subsection (f) of
24 Section 5-9-1.4 of the Unified Code of Corrections;

25 (4) DNA analysis, \$250 on each conviction in which it
26 was used to the State Treasurer for deposit into the State

1 Offender DNA Identification System Fund as set forth in
2 Section 5-4-3 of the Unified Code of Corrections;

3 (5) DUI analysis, \$150 on each sentenced violation in
4 which it was used as set forth in subsection (f) of Section
5 5-9-1.9 of the Unified Code of Corrections;

6 (6) drug-related offense involving possession or
7 delivery of cannabis or possession or delivery of a
8 controlled substance, other than methamphetamine, as
9 defined in the Cannabis Control Act or the Illinois
10 Controlled Substances Act, an amount not less than the
11 full street value of the cannabis or controlled substance
12 seized for each conviction shall be imposed and ~~to be~~
13 disbursed as follows:

14 (A) 12.5% of the street value assessment shall be
15 paid into the Youth Drug Abuse Prevention Fund, to be
16 used by the Department of Human Services for the
17 funding of programs and services for drug-abuse
18 treatment, and prevention and education services;

19 (B) 37.5% to the county in which the charge was
20 prosecuted, to be deposited into the county General
21 Fund;

22 (C) 50% to the treasurer of the arresting law
23 enforcement agency of the municipality or county, or
24 to the State Treasurer if the arresting agency was a
25 state agency;

26 (D) if the arrest was made in combination with

1 multiple law enforcement agencies, the clerk shall
2 equitably allocate the portion in subparagraph (C) of
3 this paragraph (6) among the law enforcement agencies
4 involved in the arrest;

5 (6.5) Kane County or Will County, in felony,
6 misdemeanor, local or county ordinance, traffic, or
7 conservation cases, up to \$30 as set by the county board
8 under Section 5-1101.3 of the Counties Code upon the entry
9 of a judgment of conviction, an order of supervision, or a
10 sentence of probation without entry of judgment under
11 Section 10 of the Cannabis Control Act, Section 410 of the
12 Illinois Controlled Substances Act, Section 70 of the
13 Methamphetamine Control and Community Protection Act,
14 Section 12-4.3 or subdivision (b)(1) of Section 12-3.05 of
15 the Criminal Code of 1961 or the Criminal Code of 2012,
16 Section 10-102 of the Illinois Alcoholism and Other Drug
17 Dependency Act, or Section 10 of the Steroid Control Act;
18 except in local or county ordinance, traffic, and
19 conservation cases, if fines are paid in full without a
20 court appearance, then the assessment shall not be imposed
21 or collected. Distribution of assessments collected under
22 this paragraph (6.5) shall be as provided in Section
23 5-1101.3 of the Counties Code;

24 (7) methamphetamine-related offense involving
25 possession or delivery of methamphetamine or any salt of
26 an optical isomer of methamphetamine or possession of a

1 methamphetamine manufacturing material as set forth in
2 Section 10 of the Methamphetamine Control and Community
3 Protection Act with the intent to manufacture a substance
4 containing methamphetamine or salt of an optical isomer of
5 methamphetamine, an amount not less than the full street
6 value of the methamphetamine or salt of an optical isomer
7 of methamphetamine or methamphetamine manufacturing
8 materials seized for each conviction shall be imposed and
9 ~~to be~~ disbursed as follows:

10 (A) 12.5% of the street value assessment shall be
11 paid into the Youth Drug Abuse Prevention Fund, to be
12 used by the Department of Human Services for the
13 funding of programs and services for drug-abuse
14 treatment, and prevention and education services;

15 (B) 37.5% to the county in which the charge was
16 prosecuted, to be deposited into the county General
17 Fund;

18 (C) 50% to the treasurer of the arresting law
19 enforcement agency of the municipality or county, or
20 to the State Treasurer if the arresting agency was a
21 state agency;

22 (D) if the arrest was made in combination with
23 multiple law enforcement agencies, the clerk shall
24 equitably allocate the portion in subparagraph (C) of
25 this paragraph (6) among the law enforcement agencies
26 involved in the arrest;

1 (8) order of protection violation under Section 12-3.4
2 of the Criminal Code of 2012, \$200 for each conviction to
3 the county treasurer for deposit into the Probation and
4 Court Services Fund for implementation of a domestic
5 violence surveillance program and any other assessments or
6 fees imposed under Section 5-9-1.16 of the Unified Code of
7 Corrections;

8 (9) order of protection violation, \$25 for each
9 violation to the State Treasurer, for deposit into the
10 Domestic Violence Abuser Services Fund;

11 (10) prosecution by the State's Attorney of a:

12 (A) petty or business offense, \$4 to the county
13 treasurer of which \$2 deposited into the State's
14 Attorney Records Automation Fund and \$2 into the
15 Public Defender Records Automation Fund;

16 (B) conservation or traffic offense, \$2 to the
17 county treasurer for deposit into the State's Attorney
18 Records Automation Fund;

19 (11) speeding in a construction zone violation, \$250
20 to the State Treasurer for deposit into the Transportation
21 Safety Highway Hire-back Fund, unless (i) the violation
22 occurred on a highway other than an interstate highway and
23 (ii) a county police officer wrote the ticket for the
24 violation, in which case to the county treasurer for
25 deposit into that county's Transportation Safety Highway
26 Hire-back Fund;

1 (12) supervision disposition on an offense under the
2 Illinois Vehicle Code or similar provision of a local
3 ordinance, 50 cents, unless waived by the court, into the
4 Prisoner Review Board Vehicle and Equipment Fund;

5 (13) victim and offender are family or household
6 members as defined in Section 103 of the Illinois Domestic
7 Violence Act of 1986 and offender pleads guilty or no
8 contest to or is convicted of murder, voluntary
9 manslaughter, involuntary manslaughter, burglary,
10 residential burglary, criminal trespass to residence,
11 criminal trespass to vehicle, criminal trespass to land,
12 criminal damage to property, telephone harassment,
13 kidnapping, aggravated kidnaping, unlawful restraint,
14 forcible detention, child abduction, indecent solicitation
15 of a child, sexual relations between siblings,
16 exploitation of a child, child pornography, assault,
17 aggravated assault, battery, aggravated battery, heinous
18 battery, aggravated battery of a child, domestic battery,
19 reckless conduct, intimidation, criminal sexual assault,
20 predatory criminal sexual assault of a child, aggravated
21 criminal sexual assault, criminal sexual abuse, aggravated
22 criminal sexual abuse, violation of an order of
23 protection, disorderly conduct, endangering the life or
24 health of a child, child abandonment, contributing to
25 dependency or neglect of child, or cruelty to children and
26 others, \$200 for each sentenced violation to the State

1 Treasurer for deposit as follows: (i) for sexual assault,
2 as defined in Section 5-9-1.7 of the Unified Code of
3 Corrections, when the offender and victim are family
4 members, one-half to the Domestic Violence Shelter and
5 Service Fund, and one-half to the Sexual Assault Services
6 Fund; (ii) for the remaining offenses to the Domestic
7 Violence Shelter and Service Fund;

8 (14) violation of Section 11-501 of the Illinois
9 Vehicle Code, Section 5-7 of the Snowmobile Registration
10 and Safety Act, Section 5-16 of the Boat Registration and
11 Safety Act, or a similar provision, whose operation of a
12 motor vehicle, snowmobile, or watercraft while in
13 violation of Section 11-501, Section 5-7 of the Snowmobile
14 Registration and Safety Act, Section 5-16 of the Boat
15 Registration and Safety Act, or a similar provision
16 proximately caused an incident resulting in an appropriate
17 emergency response, \$1,000 maximum to the public agency
18 that provided an emergency response related to the
19 person's violation, and if more than one agency responded,
20 the amount payable to public agencies shall be shared
21 equally;

22 (15) violation of Section 401, 407, or 407.2 of the
23 Illinois Controlled Substances Act that proximately caused
24 any incident resulting in an appropriate drug-related
25 emergency response, \$1,000 as reimbursement for the
26 emergency response to the law enforcement agency that made

1 the arrest, and if more than one agency is responsible for
2 the arrest, the amount payable to law enforcement agencies
3 shall be shared equally;

4 (16) violation of reckless driving, aggravated
5 reckless driving, or driving 26 miles per hour or more in
6 excess of the speed limit that triggered an emergency
7 response, \$1,000 maximum reimbursement for the emergency
8 response to be distributed in its entirety to a public
9 agency that provided an emergency response related to the
10 person's violation, and if more than one agency responded,
11 the amount payable to public agencies shall be shared
12 equally;

13 (17) violation based upon each plea of guilty,
14 stipulation of facts, or finding of guilt resulting in a
15 judgment of conviction or order of supervision for an
16 offense under Section 10-9, 11-14.1, 11-14.3, or 11-18 of
17 the Criminal Code of 2012 that results in the imposition
18 of a fine, to be distributed as follows:

19 (A) \$50 to the county treasurer for deposit into
20 the Circuit Court Clerk Operation and Administrative
21 Fund to cover the costs in administering this
22 paragraph (17);

23 (B) \$300 to the State Treasurer who shall deposit
24 the portion as follows:

25 (i) if the arresting or investigating agency
26 is the Department of State Police, into the State

1 Police Law Enforcement Administration Fund;

2 (ii) if the arresting or investigating agency

3 is the Department of Natural Resources, into the

4 Conservation Police Operations Assistance Fund;

5 (iii) if the arresting or investigating agency

6 is the Secretary of State, into the Secretary of

7 State Police Services Fund;

8 (iv) if the arresting or investigating agency

9 is the Illinois Commerce Commission, into the

10 Transportation Regulatory Fund; or

11 (v) if more than one of the State agencies in

12 this subparagraph (B) is the arresting or

13 investigating agency, then equal shares with the

14 shares deposited as provided in the applicable

15 items (i) through (iv) of this subparagraph (B);

16 and

17 (C) the remainder for deposit into the Specialized

18 Services for Survivors of Human Trafficking Fund;

19 (18) weapons violation under Section 24-1.1, 24-1.2,

20 or 24-1.5 of the Criminal Code of 1961 or the Criminal Code

21 of 2012, \$100 for each conviction to the State Treasurer

22 for deposit into the Trauma Center Fund; and

23 (19) violation of subsection (c) of Section 11-907 of

24 the Illinois Vehicle Code, \$250 to the State Treasurer for

25 deposit into the Scott's Law Fund, unless a county or

26 municipal police officer wrote the ticket for the

1 violation, in which case to the county treasurer for
2 deposit into that county's or municipality's
3 Transportation Safety Highway Hire-back Fund to be used as
4 provided in subsection (j) of Section 11-907 of the
5 Illinois Vehicle Code.

6 (Source: P.A. 100-987, eff. 7-1-19; 100-1161, eff. 7-1-19;
7 101-173, eff. 1-1-20; 101-636, eff. 6-10-20.)

8 (705 ILCS 135/20-5)

9 (Section scheduled to be repealed on January 1, 2022)

10 Sec. 20-5. Repeal. This Act is repealed on January 1, 2023
11 ~~2022~~.

12 (Source: P.A. 100-987, eff. 7-1-19; 101-645, eff. 6-26-20.)