



## 102ND GENERAL ASSEMBLY

### State of Illinois

### 2021 and 2022

### SB0583

Introduced 2/24/2021, by Sen. Michael E. Hastings

#### SYNOPSIS AS INTRODUCED:

5 ILCS 140/2	from Ch. 116, par. 202
5 ILCS 140/2.5	
705 ILCS 105/16	from Ch. 25, par. 16
705 ILCS 105/27.2b	
705 ILCS 105/27.3b	from Ch. 25, par. 27.3b
705 ILCS 135/5-20	

Amends the Freedom of Information Act. Provides that "public body" includes the Clerk of the Circuit Court of Cook County. Provides that all records relating to the obligation, receipt, and use of public funds of the Clerk of the Circuit Court of Cook County are public records subject to inspection and copying by the public. Amends the Clerks of Courts Act. Provides that records kept by the clerks of the circuit courts are subject to the Freedom of Information Act. Provides that specified unpaid assessments under the Criminal and Traffic Assessment Act shall not be included in an agreement between the clerk of the circuit court and the Department of Revenue to establish a program for the purposes of collecting certain balances owed. Provides that the clerk of the court shall (rather than may) accept credit card payments over the Internet for fines, penalties, court costs, or costs from offenders on voluntary electronic pleas of guilty in minor traffic and conservation offenses to satisfy the requirement of written pleas of guilty. Amends the Criminal and Traffic Assessment Act. Provides that one hour of public or community service shall be equivalent to \$10 (rather than \$4) of assessment.

LRB102 16305 LNS 21687 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 Freedom of Information Act is amended by  
5 changing Sections 2 and 2.5 as follows:

6 (5 ILCS 140/2) (from Ch. 116, par. 202)

7 Sec. 2. Definitions. As used in this Act:

8 (a) "Public body" means all legislative, executive,  
9 administrative, or advisory bodies of the State, state  
10 universities and colleges, counties, townships, cities,  
11 villages, incorporated towns, school districts and all other  
12 municipal corporations, boards, bureaus, committees, or  
13 commissions of this State, any subsidiary bodies of any of the  
14 foregoing including but not limited to committees and  
15 subcommittees thereof, ~~and~~ a School Finance Authority created  
16 under Article 1E of the School Code, and the Clerk of the  
17 Circuit Court of Cook County. "Public body" does not include a  
18 child death review team or the Illinois Child Death Review  
19 Teams Executive Council established under the Child Death  
20 Review Team Act, or a regional youth advisory board or the  
21 Statewide Youth Advisory Board established under the  
22 Department of Children and Family Services Statewide Youth  
23 Advisory Board Act.

1           (b) "Person" means any individual, corporation,  
2 partnership, firm, organization or association, acting  
3 individually or as a group.

4           (c) "Public records" means all records, reports, forms,  
5 writings, letters, memoranda, books, papers, maps,  
6 photographs, microfilms, cards, tapes, recordings, electronic  
7 data processing records, electronic communications, recorded  
8 information and all other documentary materials pertaining to  
9 the transaction of public business, regardless of physical  
10 form or characteristics, having been prepared by or for, or  
11 having been or being used by, received by, in the possession  
12 of, or under the control of any public body.

13           (c-5) "Private information" means unique identifiers,  
14 including a person's social security number, driver's license  
15 number, employee identification number, biometric identifiers,  
16 personal financial information, passwords or other access  
17 codes, medical records, home or personal telephone numbers,  
18 and personal email addresses. Private information also  
19 includes home address and personal license plates, except as  
20 otherwise provided by law or when compiled without possibility  
21 of attribution to any person.

22           (c-10) "Commercial purpose" means the use of any part of a  
23 public record or records, or information derived from public  
24 records, in any form for sale, resale, or solicitation or  
25 advertisement for sales or services. For purposes of this  
26 definition, requests made by news media and non-profit,

1 scientific, or academic organizations shall not be considered  
2 to be made for a "commercial purpose" when the principal  
3 purpose of the request is (i) to access and disseminate  
4 information concerning news and current or passing events,  
5 (ii) for articles of opinion or features of interest to the  
6 public, or (iii) for the purpose of academic, scientific, or  
7 public research or education.

8 (d) "Copying" means the reproduction of any public record  
9 by means of any photographic, electronic, mechanical or other  
10 process, device or means now known or hereafter developed and  
11 available to the public body.

12 (e) "Head of the public body" means the president, mayor,  
13 chairman, presiding officer, director, superintendent,  
14 manager, supervisor or individual otherwise holding primary  
15 executive and administrative authority for the public body, or  
16 such person's duly authorized designee.

17 (f) "News media" means a newspaper or other periodical  
18 issued at regular intervals whether in print or electronic  
19 format, a news service whether in print or electronic format,  
20 a radio station, a television station, a television network, a  
21 community antenna television service, or a person or  
22 corporation engaged in making news reels or other motion  
23 picture news for public showing.

24 (g) "Recurrent requester", as used in Section 3.2 of this  
25 Act, means a person that, in the 12 months immediately  
26 preceding the request, has submitted to the same public body

1 (i) a minimum of 50 requests for records, (ii) a minimum of 15  
2 requests for records within a 30-day period, or (iii) a  
3 minimum of 7 requests for records within a 7-day period. For  
4 purposes of this definition, requests made by news media and  
5 non-profit, scientific, or academic organizations shall not be  
6 considered in calculating the number of requests made in the  
7 time periods in this definition when the principal purpose of  
8 the requests is (i) to access and disseminate information  
9 concerning news and current or passing events, (ii) for  
10 articles of opinion or features of interest to the public, or  
11 (iii) for the purpose of academic, scientific, or public  
12 research or education.

13 For the purposes of this subsection (g), "request" means a  
14 written document (or oral request, if the public body chooses  
15 to honor oral requests) that is submitted to a public body via  
16 personal delivery, mail, telefax, electronic mail, or other  
17 means available to the public body and that identifies the  
18 particular public record the requester seeks. One request may  
19 identify multiple records to be inspected or copied.

20 (h) "Voluminous request" means a request that: (i)  
21 includes more than 5 individual requests for more than 5  
22 different categories of records or a combination of individual  
23 requests that total requests for more than 5 different  
24 categories of records in a period of 20 business days; or (ii)  
25 requires the compilation of more than 500 letter or  
26 legal-sized pages of public records unless a single requested

1 record exceeds 500 pages. "Single requested record" may  
2 include, but is not limited to, one report, form, e-mail,  
3 letter, memorandum, book, map, microfilm, tape, or recording.

4 "Voluminous request" does not include a request made by  
5 news media and non-profit, scientific, or academic  
6 organizations if the principal purpose of the request is: (1)  
7 to access and disseminate information concerning news and  
8 current or passing events; (2) for articles of opinion or  
9 features of interest to the public; or (3) for the purpose of  
10 academic, scientific, or public research or education.

11 For the purposes of this subsection (h), "request" means a  
12 written document, or oral request, if the public body chooses  
13 to honor oral requests, that is submitted to a public body via  
14 personal delivery, mail, telefax, electronic mail, or other  
15 means available to the public body and that identifies the  
16 particular public record or records the requester seeks. One  
17 request may identify multiple individual records to be  
18 inspected or copied.

19 (i) "Severance agreement" means a mutual agreement between  
20 any public body and its employee for the employee's  
21 resignation in exchange for payment by the public body.

22 (Source: P.A. 98-806, eff. 1-1-15; 98-1129, eff. 12-3-14;  
23 99-78, eff. 7-20-15; 99-478, eff. 6-1-16.)

24 (5 ILCS 140/2.5)

25 Sec. 2.5. Records of funds. All records relating to the

1 obligation, receipt, and use of public funds of the State,  
2 units of local government, the Clerk of the Circuit Court of  
3 Cook County, and school districts are public records subject  
4 to inspection and copying by the public.

5 (Source: P.A. 96-542, eff. 1-1-10.)

6 Section 10. The Clerks of Courts Act is amended by  
7 changing Sections 16, 27.2b, and 27.3b as follows:

8 (705 ILCS 105/16) (from Ch. 25, par. 16)

9 Sec. 16. Records kept by the clerks of the circuit courts  
10 are subject to the provisions of "The Local Records Act",  
11 approved August 18, 1961, as amended, and the Freedom of  
12 Information Act.

13 Unless otherwise provided by rule or administrative order  
14 of the Supreme Court, the respective clerks of the circuit  
15 courts shall keep in their offices the following books:

16 1. A general docket, upon which shall be entered all  
17 suits, in the order in which they are commenced.

18 2. Two well-bound books, to be denominated "Plaintiff's  
19 Index to Court Records," and "Defendant's Index to Court  
20 Records" to be ruled and printed substantially in the  
21 following manner:

22 .....

23 Plaintiffs	Defendants	Kind of	Date	Record	Pages
		Action	Commenced	Book	

24

1 .....

2 .....

3 .....

4 Date of Judgment

5 judgment docket

6 .....

7 Book Page

8 .....

9 CertificateSatisfied

10 Certificate Certificate of or not Number

11 of levy of sale redemption satisfied of case

12 .....

13 Fee Book Book Page Book Page Book Page

14 .....

15 All cases shall be entered in such books, in alphabetical  
16 order, by the name of each plaintiff and defendant. The books  
17 shall set forth the names of the parties, kind of action, date  
18 commenced, the record books and pages on which the cases are  
19 recorded, the date of judgment, books and pages of the  
20 judgment dockets, fee book, certificates of levy, sale and  
21 redemption records on which they are entered satisfied or not  
22 satisfied, and number of case. The defendant's index shall be  
23 ruled and printed in the same manner as the plaintiff's except  
24 the parties shall be reversed.

25 3. Proper books of record, with indices, showing the names  
26 of all parties to any action or judgment therein recorded,



1 with a reference to the page where it is recorded.

2 4. A judgment docket, in which all final judgments (except  
3 child support orders as hereinafter provided) shall be minuted  
4 at the time they are entered, or within 60 days thereafter in  
5 alphabetical order, by the name of every person against whom  
6 the judgment is entered, showing, in the proper columns ruled  
7 for that purpose, the names of the parties, the date, nature of  
8 the judgment, amount of the judgment and costs in separate  
9 items, for which it is issued, to whom issued, when returned,  
10 and the manner of its enforcement; a blank column shall be kept  
11 in which may be entered a note of the satisfaction or other  
12 disposition of the judgment or order and when satisfied by  
13 enforcement or otherwise, or set aside or enjoined; the clerk  
14 shall enter a minute thereof in such column, showing how  
15 disposed of, the date and the book and page, where the evidence  
16 thereof is to be found. In the case of child support orders or  
17 modifications of such orders entered on or after May 1, 1987,  
18 the clerk shall minute such orders or modifications in the  
19 manner and form provided herein but shall not minute every  
20 child support installment when due or every child support  
21 payment when made. Such dockets may be searched by persons, at  
22 all reasonable times without fee.

23 5. A fee book, in which shall be distinctly set down, in  
24 items, the proper title of the cause and heads, the cost of  
25 each action, including clerk's, sheriff's and witness' fees,  
26 stating the name of each witness having claimed attendance in

1 respect of the trial or hearing of such action with the number  
2 of days attended. It shall not be necessary to insert the cost  
3 in the judgment; but whenever an action is determined and  
4 final judgment entered, the costs of each party litigant shall  
5 be made up and entered in such fee book, which shall be  
6 considered a part of the record and judgment, subject,  
7 however, at all times to be corrected by the court; and the  
8 prevailing party shall be considered as having recovered  
9 judgment for the amount of the costs so taxed in his or her  
10 favor, and the same shall be included in the certified copy of  
11 such judgment, and a bill thereof accompanying certified copy  
12 of the judgment. If any clerk shall issue a fee bill or a bill  
13 of costs, with the certified copy of the judgment without  
14 first entering the same in the fee book, or if any such bill of  
15 costs or fee bill shall be issued which shall not be in  
16 substance a copy of the recorded bill, the same shall be void.  
17 Any person having paid such bill of costs or fee bill, may  
18 recover from the clerk the amount thereof, with costs of the  
19 action, in any circuit court.

20 6. Such other books of record and entry as are provided by  
21 law, or may be required in the proper performance of their  
22 duties. All records, dockets and books required by law to be  
23 kept by such clerks shall be deemed public records, and shall  
24 at all times be open to inspection without fee or reward, and  
25 all persons shall have free access for inspection and  
26 examination to such records, docket and books, and also to all

1 papers on file in the different clerks' offices and shall have  
2 the right to take memoranda and abstracts thereto.

3 (Source: P.A. 85-1156.)

4 (705 ILCS 105/27.2b)

5 Sec. 27.2b. State income tax refund intercept. The Clerk  
6 of the Circuit Court may enter into an agreement with the  
7 Illinois Department of Revenue to establish a pilot program  
8 for the purpose of collecting certain balances owed. The  
9 purpose shall be to intercept, in whole or in part, State  
10 income tax refunds due the persons who owe past due fees to the  
11 Clerk of the Circuit Court in order to satisfy unpaid  
12 assessments under the Criminal and Traffic Assessment Act and  
13 fines as ordered by the court. The agreement may not be  
14 implemented to collect the following unpaid assessments under  
15 the Criminal and Traffic Assessment Act: (i) Schedule 5 under  
16 Section 15-25; (ii) Schedule 6 under Section 15-30; (iii)  
17 Schedule 10 under Section 15-50; (iv) Schedule 11 under  
18 Section 15-55; (v) Schedule 12 under Section 15-60; and (vi)  
19 Schedule 13 under Section 15-65.

20 The agreement shall include, but may not be limited to, a  
21 certification by the Clerk of the Circuit Court that the debt  
22 claims forwarded to the Department of Revenue are valid and  
23 that reasonable efforts have been made to notify persons of  
24 the delinquency of the debt. The agreement shall include  
25 provisions for payment of the intercept by the Department of

1 Revenue to the Clerk of the Circuit Court and procedures for an  
2 appeal/protest by the debtor when an intercept occurs. The  
3 agreement may also include provisions to allow the Department  
4 of Revenue to recover its cost for administering the program.

5 Intercepts made pursuant to this Section shall not  
6 interfere with the collection of debts related to child  
7 support. During the collection of debts under this Section,  
8 when there are 2 or more debt claims certified to the  
9 Department at the same time, priority of collection shall be  
10 as provided in Section 911.3 of the Illinois Income Tax Act.

11 (Source: P.A. 100-987, eff. 7-1-19.)

12 (705 ILCS 105/27.3b) (from Ch. 25, par. 27.3b)

13 Sec. 27.3b. The clerk of court may accept payment of  
14 fines, penalties, or costs by credit card or debit card  
15 approved by the clerk from an offender who has been convicted  
16 of or placed on court supervision for a traffic offense, petty  
17 offense, ordinance offense, or misdemeanor or who has been  
18 convicted of a felony offense. The clerk of the circuit court  
19 shall ~~may~~ accept credit card payments over the Internet for  
20 fines, penalties, court costs, or costs from offenders on  
21 voluntary electronic pleas of guilty in minor traffic and  
22 conservation offenses to satisfy the requirement of written  
23 pleas of guilty as provided in Illinois Supreme Court Rule  
24 529. The clerk of the court may also accept payment of  
25 statutory fees by a credit card or debit card. The clerk of the

1 court may also accept the credit card or debit card for the  
2 cash deposit of bail bond fees.

3 The Clerk of the circuit court is authorized to enter into  
4 contracts with credit card or debit card companies approved by  
5 the clerk and to negotiate the payment of convenience and  
6 administrative fees normally charged by those companies for  
7 allowing the clerk of the circuit court to accept their credit  
8 cards or debit cards in payment as authorized herein. The  
9 clerk of the circuit court is authorized to enter into  
10 contracts with third party fund guarantors, facilitators, and  
11 service providers under which those entities may contract  
12 directly with customers of the clerk of the circuit court and  
13 guarantee and remit the payments to the clerk of the circuit  
14 court. Where the offender pays fines, penalties, or costs by  
15 credit card or debit card or through a third party fund  
16 guarantor, facilitator, or service provider, or anyone paying  
17 statutory fees of the circuit court clerk or the posting of  
18 cash bail, the clerk shall collect a service fee of up to \$5 or  
19 the amount charged to the clerk for use of its services by the  
20 credit card or debit card issuer, third party fund guarantor,  
21 facilitator, or service provider. This service fee shall be in  
22 addition to any other fines, penalties, or costs. The clerk of  
23 the circuit court is authorized to negotiate the assessment of  
24 convenience and administrative fees by the third party fund  
25 guarantors, facilitators, and service providers with the  
26 revenue earned by the clerk of the circuit court to be remitted

1 to the county general revenue fund.

2 (Source: P.A. 95-331, eff. 8-21-07.)

3 Section 15. The Criminal and Traffic Assessment Act is  
4 amended by changing Section 5-20 as follows:

5 (705 ILCS 135/5-20)

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

7 Sec. 5-20. Credit; time served; community service.

8 (a) Any credit for time served prior to sentencing that  
9 reduces the amount a defendant is required to pay shall be  
10 deducted from the fine, if any, ordered by the court.

11 (b) Excluding any ordered conditional assessment, a  
12 defendant who has been ordered to pay an assessment may  
13 petition the court to convert all or part of the assessment  
14 into court-approved public or community service. One hour of  
15 public or community service shall be equivalent to \$10 ~~\$4~~ of  
16 assessment. The performance of this public or community  
17 service shall be a condition of probation, conditional  
18 discharge, or supervision and shall be in addition to the  
19 performance of any other period of public or community service  
20 ordered by the court or required by law.

21 (Source: P.A. 100-987, eff. 7-1-19; 101-408, eff. 1-1-20.)