



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB1886

Introduced 2/26/2021, by Sen. Brian W. Stewart

SYNOPSIS AS INTRODUCED:

55 ILCS 5/3-6023	from Ch. 34, par. 3-6023
55 ILCS 5/5-1103	from Ch. 34, par. 5-1103
55 ILCS 5/5-1103.05 new	
705 ILCS 135/905-43	

Amends the Counties Code. Reenacts a court services fee repealed by Public Act 100-987. Change the name of the fee to an assessment and provides that the assessment will be in addition to assessments in the Criminal and Traffic Assessment Act. Removes references to repealed cross references. Makes a conforming change in the Code. Amends the Criminal and Traffic Assessment Act making conforming changes. Effective immediately.

LRB102 15523 AWJ 20886 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning local government.

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

4 Section 5. The Counties Code is amended by changing
5 Section 3-6023, by reenacting and changing Section 5-1103, and
6 by adding Section 5-1103.05 as follows:

7 (55 ILCS 5/3-6023) (from Ch. 34, par. 3-6023)

8 Sec. 3-6023. Attendance at courts. Each sheriff shall, in
9 person or by deputy, county corrections officer, or court
10 security officer, attend upon all courts held in his or her
11 county when in session, and obey the lawful orders and
12 directions of the court, and shall maintain the security of
13 the courthouse. Court services customarily performed by
14 sheriffs shall be provided by the sheriff or his or her
15 deputies, county corrections officers, or court security
16 officers, rather than by employees of the court, unless there
17 are no deputies, county corrections officers, or court
18 security officers available to perform such services. The
19 expenses of the sheriff in carrying out his or her duties under
20 this Section, including the compensation of deputies, county
21 corrections officers, or court security officers assigned to
22 such services, shall be paid to the county from assessments
23 ~~fees~~ collected pursuant to court order for services of the

1 sheriff and from any court services assessments ~~fees~~ collected
2 by the county under the Criminal and Traffic Assessment Act
3 and Section 5-1103 of this Code.

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

5 (55 ILCS 5/5-1103) (from Ch. 34, par. 5-1103)

6 Sec. 5-1103. Court services fee. In addition to any
7 assessment provided for under the Criminal and Traffic
8 Assessment Act, a A county board may enact by ordinance or
9 resolution a court services assessment ~~fee~~ dedicated to
10 defraying court security expenses incurred by the sheriff in
11 providing court services or for any other court services
12 deemed necessary by the sheriff to provide for court security,
13 including without limitation court services provided pursuant
14 to Section 3-6023, as now or hereafter amended. Such
15 assessment ~~fee~~ shall be paid in civil cases by each party at
16 the time of filing the first pleading, paper or other
17 appearance; provided that no additional assessment ~~fee~~ shall
18 be required if more than one party is represented in a single
19 pleading, paper or other appearance. In criminal, local
20 ordinance, county ordinance, traffic and conservation cases,
21 such assessment ~~fee~~ shall be assessed against the defendant
22 upon a plea of guilty, stipulation of facts or findings of
23 guilty, resulting in a judgment of conviction, or order of
24 supervision, or sentence of probation without entry of
25 judgment pursuant to Section 10 of the Cannabis Control Act,

1 Section 410 of the Illinois Controlled Substances Act, Section
2 70 of the Methamphetamine Control and Community Protection
3 Act, ~~Section 12-4.3 or~~ subdivision (b)(1) of Section 12-3.05
4 of ~~the Criminal Code of 1961 or~~ the Criminal Code of 2012, or
5 ~~Section 10-102 of the Illinois Alcoholism and Other Drug~~
6 ~~Dependency Act,~~ Section 40-10 of the Substance Use Disorder
7 Act, ~~or Section 10 of the Steroid Control Act.~~ In setting such
8 assessment fee, the county board may impose, with the
9 concurrence of the Chief Judge of the judicial circuit in
10 which the county is located by administrative order entered by
11 the Chief Judge, differential rates for the various types or
12 categories of criminal and civil cases, but the maximum rate
13 shall not exceed \$25, unless the assessment fee is set
14 according to an acceptable cost study in accordance with
15 Section 4-5001 of the Counties Code. All proceeds from this
16 assessment fee must be used to defray court security expenses
17 incurred by the sheriff in providing court services. No
18 assessment fee shall be imposed or collected, however, in
19 traffic, conservation, and ordinance cases in which fines are
20 paid without a court appearance. The assessments fees shall be
21 collected in the manner in which all other court assessments
22 ~~fees~~ or costs are collected and shall be deposited into the
23 county general fund for payment solely of costs incurred by
24 the sheriff in providing court security or for any other court
25 services deemed necessary by the sheriff to provide for court
26 security.

1 (Source: P.A. 99-265, eff. 1-1-16; 100-759, eff. 1-1-19.)

2 (55 ILCS 5/5-1103.05 new)

3 Sec. 5-1103.05. Continuation of Section 5-1103; validation
4 under this amendatory Act of the 102nd General Assembly.

5 (a) The General Assembly finds and declares all of the
6 following:

7 (1) Public Act 100-987, which took effect on August
8 20, 2018, repealed Section 5-1103 of this Code.

9 (2) The Statute on Statutes sets forth general rules
10 on the repeal of statutes and the construction of multiple
11 amendments, but Section 1 of that Act also states that
12 these rules will not be observed when the result would be
13 "inconsistent with the manifest intent of the General
14 Assembly or repugnant to the context of the statute".

15 (3) This amendatory Act of the 102nd General Assembly
16 manifests the intention of the General Assembly not to
17 repeal Section 5-1103 of this Code and have that Section
18 continue in effect until it is otherwise lawfully
19 repealed.

20 (4) Section 5-1103 of this Code was originally enacted
21 to protect, promote, and preserve the general welfare. Any
22 construction of this Code that results in the repeal of
23 Section 5-1103 on August 20, 2018 would be inconsistent
24 with the manifest intent of the General Assembly and
25 repugnant to the context of this Code.

1 (b) It is declared to have been the intent of the General
2 Assembly that Section 5-1103 of this Code not be subject to
3 repeal on August 20, 2018.

4 (c) Section 5-1103 of this Code shall be deemed to have
5 been in continuous effect since August 20, 2018, and it shall
6 continue to be in effect until it is otherwise lawfully
7 repealed. All previously enacted amendments to Section 5-1103
8 taking effect on or after August 20, 2018 are validated. All
9 actions taken in reliance on or under Section 5-1103 by any
10 person or entity are validated.

11 (d) In order to ensure the continuing effectiveness of
12 Section 5-1103 of this Code, Section 5-1103 is set forth in
13 full and reenacted by this amendatory Act of the 102nd General
14 Assembly. Striking and underscoring are used only to show
15 changes being made to the base text. This reenactment is
16 intended as a continuation of Section 5-1103. This reenactment
17 applies to all claims, civil actions, and proceedings pending
18 on or filed on or before the effective date of this amendatory
19 Act of the 102nd General Assembly.

20 Section 10. The Criminal and Traffic Assessment Act is
21 amended by changing Section 905-43 as follows:

22 (705 ILCS 135/905-43)

23 Sec. 905-43. The Counties Code is amended by repealing
24 Sections 3-4012, 4-2002, 4-2002.1, 5-1101, and 5-1101.5, ~~and~~

1 ~~5-1103.~~

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

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.