



Rep. Mike Bost

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09400HB5457ham002

LRB094 15205 WGH 56792 a

1 AMENDMENT TO HOUSE BILL 5457

2 AMENDMENT NO. _____. Amend House Bill 5457 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Clerks of Courts Act is amended by changing
5 Sections 27.1a, 27.3a, and 27.3c as follows:

6 (705 ILCS 105/27.1a) (from Ch. 25, par. 27.1a)

7 Sec. 27.1a. The fees of the clerks of the circuit court in
8 all counties having a population of not more than 500,000
9 inhabitants in the instances described in this Section shall be
10 as provided in this Section. In those instances where a minimum
11 and maximum fee is stated, the clerk of the circuit court must
12 charge the minimum fee listed and may charge up to the maximum
13 fee if the county board has by resolution increased the fee.
14 The fees shall be paid in advance and shall be as follows:

15 (a) Civil Cases.

16 The fee for filing a complaint, petition, or other
17 pleading initiating a civil action, with the following
18 exceptions, shall be a minimum of \$40 and a maximum of
19 \$160.

20 (A) When the amount of money or damages or the
21 value of personal property claimed does not exceed
22 \$250, \$10.

23 (B) When that amount exceeds \$250 but does not
24 exceed \$500, a minimum of \$10 and a maximum of \$20.

1 (C) When that amount exceeds \$500 but does not
2 exceed \$2500, a minimum of \$25 and a maximum of \$40.

3 (D) When that amount exceeds \$2500 but does not
4 exceed \$15,000, a minimum of \$25 and a maximum of \$75.

5 (E) For the exercise of eminent domain, a minimum
6 of \$45 and a maximum of \$150. For each additional lot
7 or tract of land or right or interest therein subject
8 to be condemned, the damages in respect to which shall
9 require separate assessment by a jury, a minimum of \$45
10 and a maximum of \$150.

11 (a-1) Family.

12 For filing a petition under the Juvenile Court Act of
13 1987, \$25.

14 For filing a petition for a marriage license, \$10.

15 For performing a marriage in court, \$10.

16 For filing a petition under the Illinois Parentage Act
17 of 1984, \$40.

18 (b) Forcible Entry and Detainer.

19 In each forcible entry and detainer case when the
20 plaintiff seeks possession only or unites with his or her
21 claim for possession of the property a claim for rent or
22 damages or both in the amount of \$15,000 or less, a minimum
23 of \$10 and a maximum of \$50. When the plaintiff unites his
24 or her claim for possession with a claim for rent or
25 damages or both exceeding \$15,000, a minimum of \$40 and a
26 maximum of \$160.

27 (c) Counterclaim or Joining Third Party Defendant.

28 When any defendant files a counterclaim as part of his
29 or her answer or otherwise or joins another party as a
30 third party defendant, or both, the defendant shall pay a
31 fee for each counterclaim or third party action in an
32 amount equal to the fee he or she would have had to pay had
33 he or she brought a separate action for the relief sought
34 in the counterclaim or against the third party defendant,

1 less the amount of the appearance fee, if that has been
2 paid.

3 (d) Confession of Judgment.

4 In a confession of judgment when the amount does not
5 exceed \$1500, a minimum of \$20 and a maximum of \$50. When
6 the amount exceeds \$1500, but does not exceed \$15,000, a
7 minimum of \$40 and a maximum of \$115. When the amount
8 exceeds \$15,000, a minimum of \$40 and a maximum of \$200.

9 (e) Appearance.

10 The fee for filing an appearance in each civil case
11 shall be a minimum of \$15 and a maximum of \$60, except as
12 follows:

13 (A) When the plaintiff in a forcible entry and
14 detainer case seeks possession only, a minimum of \$10
15 and a maximum of \$50.

16 (B) When the amount in the case does not exceed
17 \$1500, a minimum of \$10 and a maximum of \$30.

18 (C) When that amount exceeds \$1500 but does not
19 exceed \$15,000, a minimum of \$15 and a maximum of \$60.

20 (f) Garnishment, Wage Deduction, and Citation.

21 In garnishment affidavit, wage deduction affidavit,
22 and citation petition when the amount does not exceed
23 \$1,000, a minimum of \$5 and a maximum of \$15; when the
24 amount exceeds \$1,000 but does not exceed \$5,000, a minimum
25 of \$5 and a maximum of \$30; and when the amount exceeds
26 \$5,000, a minimum of \$5 and a maximum of \$50.

27 (g) Petition to Vacate or Modify.

28 (1) Petition to vacate or modify any final judgment or
29 order of court, except in forcible entry and detainer cases
30 and small claims cases or a petition to reopen an estate,
31 to modify, terminate, or enforce a judgment or order for
32 child or spousal support, or to modify, suspend, or
33 terminate an order for withholding, if filed before 30 days
34 after the entry of the judgment or order, a minimum of \$20

1 and a maximum of \$50.

2 (2) Petition to vacate or modify any final judgment or
3 order of court, except a petition to modify, terminate, or
4 enforce a judgment or order for child or spousal support or
5 to modify, suspend, or terminate an order for withholding,
6 if filed later than 30 days after the entry of the judgment
7 or order, a minimum of \$20 and a maximum of \$75.

8 (3) Petition to vacate order of bond forfeiture, a
9 minimum of \$10 and a maximum of \$40.

10 (h) Mailing.

11 When the clerk is required to mail, the fee will be a
12 minimum of \$2 and a maximum of \$10, plus the cost of
13 postage.

14 (i) Certified Copies.

15 Each certified copy of a judgment after the first,
16 except in small claims and forcible entry and detainer
17 cases, a minimum of \$2 and a maximum of \$10.

18 (j) Habeas Corpus.

19 For filing a petition for relief by habeas corpus, a
20 minimum of \$60 and a maximum of \$100.

21 (k) Certification, Authentication, and Reproduction.

22 (1) Each certification or authentication for taking
23 the acknowledgment of a deed or other instrument in writing
24 with the seal of office, a minimum of \$2 and a maximum of
25 \$6.

26 (2) Court appeals when original documents are
27 forwarded, under 100 pages, plus delivery and costs, a
28 minimum of \$20 and a maximum of \$60.

29 (3) Court appeals when original documents are
30 forwarded, over 100 pages, plus delivery and costs, a
31 minimum of \$50 and a maximum of \$150.

32 (4) Court appeals when original documents are
33 forwarded, over 200 pages, an additional fee of a minimum
34 of 20 cents and a maximum of 25 cents per page.

1 (5) For reproduction of any document contained in the
2 clerk's files:

3 (A) First page, a minimum of \$1 and a maximum of
4 \$2.

5 (B) Next 19 pages, 50 cents per page.

6 (C) All remaining pages, 25 cents per page.

7 (l) Remands.

8 In any cases remanded to the Circuit Court from the
9 Supreme Court or the Appellate Court for a new trial, the
10 clerk shall file the remanding order and reinstate the case
11 with either its original number or a new number. The Clerk
12 shall not charge any new or additional fee for the
13 reinstatement. Upon reinstatement the Clerk shall advise
14 the parties of the reinstatement. A party shall have the
15 same right to a jury trial on remand and reinstatement as
16 he or she had before the appeal, and no additional or new
17 fee or charge shall be made for a jury trial after remand.

18 (m) Record Search.

19 For each record search, within a division or municipal
20 district, the clerk shall be entitled to a search fee of a
21 minimum of \$4 and a maximum of \$6 for each year searched.

22 (n) Hard Copy.

23 For each page of hard copy print output, when case
24 records are maintained on an automated medium, the clerk
25 shall be entitled to a fee of a minimum of \$4 and a maximum
26 of \$6.

27 (o) Index Inquiry and Other Records.

28 No fee shall be charged for a single
29 plaintiff/defendant index inquiry or single case record
30 inquiry when this request is made in person and the records
31 are maintained in a current automated medium, and when no
32 hard copy print output is requested. The fees to be charged
33 for management records, multiple case records, and
34 multiple journal records may be specified by the Chief

1 Judge pursuant to the guidelines for access and
2 dissemination of information approved by the Supreme
3 Court.

4 (p) (Blank).

5 ~~a minimum of \$25 and a maximum of \$50~~

6 (q) Alias Summons.

7 For each alias summons or citation issued by the clerk,
8 a minimum of \$2 and a maximum of \$5.

9 (r) Other Fees.

10 Any fees not covered in this Section shall be set by
11 rule or administrative order of the Circuit Court with the
12 approval of the Administrative Office of the Illinois
13 Courts.

14 The clerk of the circuit court may provide additional
15 services for which there is no fee specified by statute in
16 connection with the operation of the clerk's office as may
17 be requested by the public and agreed to by the clerk and
18 approved by the chief judge of the circuit court. Any
19 charges for additional services shall be as agreed to
20 between the clerk and the party making the request and
21 approved by the chief judge of the circuit court. Nothing
22 in this subsection shall be construed to require any clerk
23 to provide any service not otherwise required by law.

24 (s) Jury Services.

25 The clerk shall be entitled to receive, in addition to
26 other fees allowed by law, the sum of a minimum of \$62.50
27 and a maximum of \$212.50, as a fee for the services of a
28 jury in every civil action not quasi-criminal in its nature
29 and not a proceeding for the exercise of the right of
30 eminent domain and in every other action wherein the right
31 of trial by jury is or may be given by law. The jury fee
32 shall be paid by the party demanding a jury at the time of
33 filing the jury demand. If the fee is not paid by either
34 party, no jury shall be called in the action or proceeding,

1 and the same shall be tried by the court without a jury.

2 (t) Voluntary Assignment.

3 For filing each deed of voluntary assignment, a minimum
4 of \$10 and a maximum of \$20; for recording the same, a
5 minimum of 25 cents and a maximum of 50 cents for each 100
6 words. Exceptions filed to claims presented to an assignee
7 of a debtor who has made a voluntary assignment for the
8 benefit of creditors shall be considered and treated, for
9 the purpose of taxing costs therein, as actions in which
10 the party or parties filing the exceptions shall be
11 considered as party or parties plaintiff, and the claimant
12 or claimants as party or parties defendant, and those
13 parties respectively shall pay to the clerk the same fees
14 as provided by this Section to be paid in other actions.

15 (u) Expungement Petition; petition to seal records.

16 (1) The clerk shall be entitled to receive a fee of a
17 minimum of \$15 and a maximum of \$60 for each expungement
18 petition filed and an additional fee of a minimum of \$2 and
19 a maximum of \$4 for each certified copy of an order to
20 expunge arrest records.

21 (2) Notwithstanding any provisions of this Act to the
22 contrary, and subject to the approval of the county board,
23 the clerk may charge a fee equivalent to the cost
24 associated with the sealing of records by the clerk and the
25 Department of State Police. The clerk shall forward the
26 Department of State Police portion of the fee to the
27 Department and it shall be deposited into the State Police
28 Service Fund.

29 (v) Probate.

30 The clerk is entitled to receive the fees specified in
31 this subsection (v), which shall be paid in advance, except
32 that, for good cause shown, the court may suspend, reduce,
33 or release the costs payable under this subsection:

34 (1) For administration of the estate of a decedent

1 (whether testate or intestate) or of a missing person, a
2 minimum of \$50 and a maximum of \$150, plus the fees
3 specified in subsection (v) (3), except:

4 (A) When the value of the real and personal
5 property does not exceed \$15,000, the fee shall be a
6 minimum of \$25 and a maximum of \$40.

7 (B) When (i) proof of heirship alone is made, (ii)
8 a domestic or foreign will is admitted to probate
9 without administration (including proof of heirship),
10 or (iii) letters of office are issued for a particular
11 purpose without administration of the estate, the fee
12 shall be a minimum of \$10 and a maximum of \$40.

13 (C) For filing a petition to sell Real Estate, when
14 the original will does not specifically authorize the
15 executor to sell real estate, \$50.

16 (2) For administration of the estate of a ward, a
17 minimum of \$50 and a maximum of \$75, plus the fees
18 specified in subsection (v) (3), except:

19 (A) When the value of the real and personal
20 property does not exceed \$15,000, the fee shall be a
21 minimum of \$25 and a maximum of \$40.

22 (B) When (i) letters of office are issued to a
23 guardian of the person or persons, but not of the
24 estate or (ii) letters of office are issued in the
25 estate of a ward without administration of the estate,
26 including filing or joining in the filing of a tax
27 return or releasing a mortgage or consenting to the
28 marriage of the ward, the fee shall be a minimum of \$10
29 and a maximum of \$20.

30 (C) For filing a Petition to sell Real Estate, \$50.

31 (3) In addition to the fees payable under subsection
32 (v) (1) or (v) (2) of this Section, the following fees are
33 payable:

34 (A) For each account or report (other than one

1 final account or report) filed in the estate of a
2 decedent, or ward, a minimum of \$10 and a maximum of
3 \$25.

4 (B) For filing a claim in an estate when the amount
5 claimed is \$150 or more but less than \$500, a minimum
6 of \$10 and a maximum of \$25; when the amount claimed is
7 \$500 or more but less than \$10,000, a minimum of \$10
8 and a maximum of \$40; when the amount claimed is
9 \$10,000 or more, a minimum of \$10 and a maximum of \$60;
10 provided that the court in allowing a claim may add to
11 the amount allowed the filing fee paid by the claimant.

12 (C) For filing in an estate a claim, petition, or
13 supplemental proceeding based upon an action seeking
14 equitable relief including the construction or contest
15 of a will, enforcement of a contract to make a will,
16 and proceedings involving testamentary trusts or the
17 appointment of testamentary trustees, a fee of not more
18 than \$60 ~~a minimum of \$40 and a maximum of \$60.~~

19 (D) For filing in an estate (i) the appearance of
20 any person for the purpose of consent or (ii) the
21 appearance of an executor, administrator,
22 administrator to collect, guardian, guardian ad litem,
23 or special administrator, no fee.

24 (E) Except as provided in subsection (v) (3) (D),
25 for filing the appearance of any person or persons, a
26 fee of not more than \$30 ~~a minimum of \$10 and a maximum~~
27 ~~of \$30.~~

28 (F) For each jury demand, a minimum of \$62.50 and a
29 maximum of \$137.50.

30 (G) For disposition of the collection of a judgment
31 or settlement of an action or claim for wrongful death
32 of a decedent or of any cause of action of a ward, when
33 there is no other administration of the estate, a fee
34 of not more than \$50 ~~a minimum of \$30 and a maximum of~~

1 ~~\$50~~, less any amount paid under subsection (v) (1) (B) or
2 (v) (2) (B) except that if the amount involved does not
3 exceed \$5,000, the fee, including any amount paid under
4 subsection (v) (1) (B) or (v) (2) (B), shall be a minimum
5 of \$10 and a maximum of \$20.

6 (H) For each certified copy of letters of office,
7 of court order or other certification, a minimum of \$1
8 and a maximum of \$2, plus a minimum of 50 cents and a
9 maximum of \$1 per page in excess of 3 pages for the
10 document certified.

11 (I) For each exemplification, a minimum of \$1 and a
12 maximum of \$2, plus the fee for certification.

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

17 (5) The person on whose behalf a charge is incurred for
18 witness, court reporter, appraiser, or other miscellaneous
19 fee shall pay the same directly to the person entitled
20 thereto.

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

26 (w) Criminal and Quasi-Criminal Costs and Fees.

27 (1) The clerk shall be entitled to costs in all
28 criminal and quasi-criminal cases from each person
29 convicted or sentenced to supervision therein as follows:

30 (A) Felony complaints, a minimum of \$40 and a
31 maximum of \$100.

32 (B) Misdemeanor complaints, a minimum of \$25 and a
33 maximum of \$75.

34 (C) Business offense complaints, a minimum of \$25

1 and a maximum of \$75.

2 (D) Petty offense complaints, a minimum of \$25 and
3 a maximum of \$75.

4 (E) Minor traffic or ordinance violations, \$10.

5 (F) When court appearance required, \$15.

6 (G) Motions to vacate or amend final orders, a
7 minimum of \$20 and a maximum of \$40.

8 (H) Motions to vacate bond forfeiture orders, a
9 minimum of \$20 and a maximum of \$40.

10 (I) Motions to vacate ex parte judgments, whenever
11 filed, a minimum of \$20 and a maximum of \$40.

12 (J) Motions to vacate judgment on forfeitures,
13 whenever filed, a minimum of \$20 and a maximum of \$40.

14 (K) Motions to vacate "failure to appear" or
15 "failure to comply" notices sent to the Secretary of
16 State, a minimum of \$20 and a maximum of \$40.

17 (2) In counties having a population of not more than
18 500,000 inhabitants, when the violation complaint is
19 issued by a municipal police department, the clerk shall be
20 entitled to costs from each person convicted therein as
21 follows:

22 (A) Minor traffic or ordinance violations, \$10.

23 (B) When court appearance required, \$15.

24 (3) In ordinance violation cases punishable by fine
25 only, the clerk of the circuit court shall be entitled to
26 receive, unless the fee is excused upon a finding by the
27 court that the defendant is indigent, in addition to other
28 fees or costs allowed or imposed by law, the sum of a
29 minimum of \$62.50 and a maximum of \$137.50 as a fee for the
30 services of a jury. The jury fee shall be paid by the
31 defendant at the time of filing his or her jury demand. If
32 the fee is not so paid by the defendant, no jury shall be
33 called, and the case shall be tried by the court without a
34 jury.

1 (x) Transcripts of Judgment.

2 For the filing of a transcript of judgment, the clerk
3 shall be entitled to the same fee as if it were the
4 commencement of a new suit.

5 (y) Change of Venue.

6 (1) For the filing of a change of case on a change of
7 venue, the clerk shall be entitled to the same fee as if it
8 were the commencement of a new suit.

9 (2) The fee for the preparation and certification of a
10 record on a change of venue to another jurisdiction, when
11 original documents are forwarded, a minimum of \$10 and a
12 maximum of \$40.

13 (z) Tax objection complaints.

14 For each tax objection complaint containing one or more
15 tax objections, regardless of the number of parcels
16 involved or the number of taxpayers joining on the
17 complaint, a minimum of \$10 and a maximum of \$50.

18 (aa) Tax Deeds.

19 (1) Petition for tax deed, if only one parcel is
20 involved, a minimum of \$45 and a maximum of \$200.

21 (2) For each additional parcel, add a fee of a minimum
22 of \$10 and a maximum of \$60.

23 (bb) Collections.

24 (1) For all collections made for ~~of~~ others, except the
25 State and county and except in maintenance or child support
26 cases, a sum equal to a minimum of 2% and a maximum of 2.5%
27 of the amount collected and turned over.

28 (2) Interest earned on any funds held by the clerk
29 shall be turned over to the county general fund as an
30 earning of the office.

31 (3) For any check, draft, or other bank instrument
32 returned to the clerk for non-sufficient funds, account
33 closed, or payment stopped, \$25.

34 (4) In child support and maintenance cases, the clerk,

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

17 The clerk shall also be entitled to a fee of \$5 for
18 certifications made to the Secretary of State as provided
19 in Section 7-703 of the Family Financial Responsibility Law
20 and these fees shall also be deposited into the Separate
21 Maintenance and Child Support Collection Fund.

22 (cc) Corrections of Numbers.

23 For correction of the case number, case title, or
24 attorney computer identification number, if required by
25 rule of court, on any document filed in the clerk's office,
26 to be charged against the party that filed the document, a
27 minimum of \$10 and a maximum of \$25.

28 (dd) Exceptions.

29 (1) The fee requirements of this Section shall not
30 apply to police departments or other law enforcement
31 agencies. In this Section, "law enforcement agency" means
32 an agency of the State or a unit of local government which
33 is vested by law or ordinance with the duty to maintain
34 public order and to enforce criminal laws or ordinances.

1 "Law enforcement agency" also means the Attorney General or
2 any state's attorney.

3 (2) No fee provided herein shall be charged to any unit
4 of local government or school district.

5 (3) The fee requirements of this Section shall not
6 apply to any action instituted under subsection (b) of
7 Section 11-31-1 of the Illinois Municipal Code by a private
8 owner or tenant of real property within 1200 feet of a
9 dangerous or unsafe building seeking an order compelling
10 the owner or owners of the building to take any of the
11 actions authorized under that subsection.

12 (4) The fee requirements of this Section shall not
13 apply to the filing of any commitment petition or petition
14 for an order authorizing the administration of authorized
15 involuntary treatment in the form of medication under the
16 Mental Health and Developmental Disabilities Code.

17 (ee) Adoptions.

18 (1) For an adoption \$65

19 (2) Upon good cause shown, the court may waive the
20 adoption filing fee in a special needs adoption. The term
21 "special needs adoption" shall have the meaning ascribed to
22 it by the Illinois Department of Children and Family
23 Services.

24 (ff) Adoption exemptions.

25 No fee other than that set forth in subsection (ee)
26 shall be charged to any person in connection with an
27 adoption proceeding nor may any fee be charged for
28 proceedings for the appointment of a confidential
29 intermediary under the Adoption Act.

30 (Source: P.A. 92-16, eff. 6-28-01; 92-521, eff. 6-1-02; 93-39,
31 eff. 7-1-03; 93-385, eff. 7-25-03; 93-573, eff. 8-21-03;
32 revised 9-5-03.)

33 (705 ILCS 105/27.3a) (from Ch. 25, par. 27.3a)

1 Sec. 27.3a. Fees for automated record keeping.

2 1. The expense of establishing and maintaining automated
3 record keeping systems in the offices of the clerks of the
4 circuit court shall be borne by the county. To defray such
5 expense in any county having established such an automated
6 system or which elects to establish such a system, the county
7 board may require the clerk of the circuit court in their
8 county to charge and collect a court automation fee of not less
9 than \$1 nor more than \$15 to be charged and collected by the
10 clerk of the court. Such fee shall be paid at the time of
11 filing the first pleading, paper or other appearance filed by
12 each party in all civil cases or by the defendant in any
13 felony, traffic, misdemeanor, municipal ordinance, or
14 conservation case upon a judgment of guilty or grant of
15 supervision, provided that the record keeping system which
16 processes the case category for which the fee is charged is
17 automated or has been approved for automation by the county
18 board, and provided further that no additional fee shall be
19 required if more than one party is presented in a single
20 pleading, paper or other appearance. Such fee shall be
21 collected in the manner in which all other fees or costs are
22 collected.

23 2. Each clerk shall commence such charges and collections
24 upon receipt of written notice from the chairman of the county
25 board together with a certified copy of the board's resolution,
26 which the clerk shall file of record in his office.

27 3. Such fees shall be in addition to all other fees and
28 charges of such clerks, and assessable as costs, and may be
29 waived only if the judge specifically provides for the waiver
30 of the court automation fee. The fees shall be remitted monthly
31 by such clerk to the county treasurer, to be retained by him in
32 a special fund designated as the court automation fund. The
33 fund shall be audited by a licensed public accountant retained
34 for the purpose of conducting the circuit clerk audit as

1 detailed in Section 27.8. The public accountant may be assisted
2 by the county auditor, if any, and the board shall make
3 expenditure from the fund in payment of any cost related to the
4 automation of court records, including hardware, software,
5 research and development costs and personnel related thereto,
6 provided that the expenditure is approved by the clerk of the
7 court and by the chief judge of the circuit court or his
8 designate.

9 4. Such fees shall not be charged in any matter coming to
10 any such clerk on change of venue, nor in any proceeding to
11 review the decision of any administrative officer, agency or
12 body.

13 (Source: P.A. 94-595, eff. 1-1-06.)

14 (705 ILCS 105/27.3c) (from Ch. 25, par. 27.3c)

15 Sec. 27.3c. Document storage system.

16 (a) The expense of establishing and maintaining a document
17 storage system in the offices of the circuit court clerks in
18 the several counties of this State shall be borne by the
19 county. To defray the expense in any county that elects to
20 establish a document storage system and convert the records of
21 the circuit court clerk to electronic or micrographic storage,
22 the county board may require the clerk of the circuit court in
23 its county to collect a court document fee of not less than \$1
24 nor more than \$15, to be charged and collected by the clerk of
25 the court. The fee shall be paid at the time of filing the
26 first pleading, paper, or other appearance filed by each party
27 in all civil cases or by the defendant in any felony,
28 misdemeanor, traffic, ordinance, or conservation matter on a
29 judgment of guilty or grant of supervision, provided that the
30 document storage system is in place or has been authorized by
31 the county board and further that no additional fee shall be
32 required if more than one party is presented in a single
33 pleading, paper, or other appearance. The fee shall be

1 collected in the manner in which all other fees or costs are
2 collected.

3 (b) Each clerk shall commence charges and collections of a
4 court document fee upon receipt of written notice from the
5 chairman of the county board together with a certified copy of
6 the board's resolution, which the clerk shall file of record in
7 his or her office.

8 (c) Court document fees shall be in addition to other fees
9 and charges of the clerk, shall be assessable as costs, and may
10 be waived only if the judge specifically provides for the
11 waiver of the court document storage fee. The fees shall be
12 remitted monthly by the clerk to the county treasurer, to be
13 retained by the treasurer in a special fund designated as the
14 Court Document Storage Fund. The fund shall be audited by a
15 licensed public accountant retained for the purpose of
16 conducting the circuit clerk audit as detailed in Section 27.8.
17 The public accountant may be assisted by the county auditor, if
18 any, and the board shall make expenditures from the fund in
19 payment of any costs relative to the storage of court records,
20 including hardware, software, research and development costs,
21 and related personnel, provided that the expenditure is
22 approved by the clerk of the circuit court.

23 (d) A court document fee shall not be charged in any matter
24 coming to the clerk on change of venue or in any proceeding to
25 review the decision of any administrative officer, agency, or
26 body.

27 (Source: P.A. 94-596, eff. 1-1-06.)

28 Section 99. Effective date. This Act takes effect upon
29 becoming law."