



Rep. Robert S. Molaro

Filed: 4/26/2006

09400SB0611ham002

LRB094 10667 HLH 58557 a

1 AMENDMENT TO SENATE BILL 611

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 611 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Counties Code is amended by changing  
5 Sections 4-12001 and 4-12001.1 as follows:

6 (55 ILCS 5/4-12001) (from Ch. 34, par. 4-12001)

7 Sec. 4-12001. Fees of sheriff in third class counties. The  
8 officers herein named, in counties of the third class, shall be  
9 entitled to receive the fees herein specified, for the services  
10 mentioned and such other fees as may be provided by law for  
11 such other services not herein designated.

12 Fees for Sheriff

13 For serving or attempting to serve any summons on each  
14 defendant, \$35 ~~\$15~~.

15 For serving or attempting to serve each alias summons or  
16 other process mileage will be charged as hereinafter provided  
17 when the address for service differs from the address for  
18 service on the original summons or other process.

19 For serving or attempting to serve all other process, on  
20 each defendant, \$35 ~~\$15~~.

21 For serving or attempting to serve a subpoena on each  
22 witness, \$35 ~~\$25~~.

23 For serving or attempting to serve each warrant, \$35 ~~\$15~~.

24 For serving or attempting to serve each garnishee, \$35 ~~\$15~~.

1 For summoning each juror, \$10.

2 For serving or attempting to serve each order or judgment  
3 for replevin, \$35 ~~\$15~~.

4 For serving or attempting to serve an order for attachment,  
5 on each defendant, \$35 ~~\$15~~.

6 For serving or attempting to serve an order or judgment for  
7 the possession of real estate in an action of ejectment or in  
8 any other action, or for restitution in an action of forcible  
9 entry and detainer, without aid, \$35 ~~\$15~~, and when aid is  
10 necessary, the sheriff shall be allowed to tax in addition the  
11 actual costs thereof.

12 For serving or attempting to serve notice of judgment, \$35  
13 ~~\$15~~.

14 For levying to satisfy an order in an action for  
15 attachment, \$25 ~~\$15~~.

16 For executing order of court to seize personal property,  
17 \$25 ~~\$15~~.

18 For making certificate of levy on real estate and filing or  
19 recording same, \$8, and the fee for filing or recording shall  
20 be advanced by the plaintiff in attachment or by the judgment  
21 creditor and taxed as costs. For taking possession of or  
22 removing property levied on, the sheriff shall be allowed to  
23 tax the necessary actual costs of such possession or removal.

24 For advertising property for sale, \$20 ~~\$8~~.

25 For making certificate of sale and making and filing  
26 duplicate for record, \$15 ~~\$8~~, and the fee for recording same  
27 shall be advanced by the judgment creditor and taxed as costs.

28 For preparing, executing and acknowledging deed on  
29 redemption from a court sale of real estate, \$15; for  
30 preparing, executing and acknowledging all other deeds on sale  
31 of real estate, \$10.

32 For making and filing certificate of redemption, \$15 ~~\$9~~,  
33 and the fee for recording same shall be advanced by party  
34 making the redemption and taxed as costs.

1 For making and filing certificate of redemption from a  
2 court sale, \$11, and the fee for recording same shall be  
3 advanced by the party making the redemption and taxed as costs.

4 For taking all bonds on legal process, \$10 ~~\$5~~.

5 For taking special bail, \$5.

6 For returning each process, \$15 ~~\$8~~.

7 Mileage for service or attempted service of all process is  
8 a \$10 flat fee, ~~20¢ per mile each way necessarily traveled in~~  
9 ~~making or attempting to make such service computed from the~~  
10 ~~place of holding court.~~

11 For attending before a court with a prisoner on an order  
12 for habeas corpus, \$9 per day.

13 For executing requisitions from other States, \$13.

14 For conveying each prisoner from the prisoner's county to  
15 the jail of another county, per mile for going only, 25¢.

16 For committing to or discharging each prisoner from jail,  
17 \$3.

18 For feeding each prisoner, such compensation to cover  
19 actual costs as may be fixed by the county board, but such  
20 compensation shall not be considered a part of the fees of the  
21 office.

22 For committing each prisoner to jail under the laws of the  
23 United States, to be paid by the marshal or other person  
24 requiring his confinement, \$3.

25 For feeding such prisoners per day, \$3, to be paid by the  
26 marshal or other person requiring the prisoner's confinement.

27 For discharging such prisoners, \$3.

28 For conveying persons to the penitentiary, reformatories,  
29 Illinois State Training School for Boys, Illinois State  
30 Training School for Girls, Reception Centers and Illinois  
31 Security Hospital, the following fees, payable out of the State  
32 Treasury. When one person is conveyed, 20¢ per mile in going to  
33 the penitentiary, reformatories, Illinois State Training  
34 School for Boys, Illinois State Training School for Girls,

1 Reception Centers and Illinois Security Hospital from the place  
2 of conviction; when 2 persons are conveyed at the same time,  
3 20¢ per mile for the first and 15¢ per mile for the second  
4 person; when more than 2 persons are conveyed at the same time  
5 as Stated above, the sheriff shall be allowed 20¢ per mile for  
6 the first, 15¢ per mile for the second and 10¢ per mile for  
7 each additional person.

8 The fees provided for herein for transporting persons to  
9 the penitentiary, reformatories, Illinois State Training  
10 School for Boys, Illinois State Training School for Girls,  
11 Reception Centers and Illinois Security Hospital, shall be paid  
12 for each trip so made. Mileage as used in this Section means  
13 the shortest route on a hard surfaced road, (either State Bond  
14 Issue Route or Federal highways) or railroad, whichever is  
15 shorter, between the place from which the person is to be  
16 transported, to the penitentiary, reformatories, Illinois  
17 State Training School for Boys, Illinois State Training School  
18 for Girls, Reception Centers and Illinois Security Hospital,  
19 and all fees per mile shall be computed on such basis.

20 In addition to the above fees, there shall be allowed to  
21 the sheriff a fee of \$900 for the sale of real estate which  
22 shall be made by virtue of any judgment of a court. In addition  
23 to this fee and all other fees provided by this Section, there  
24 shall be allowed to the sheriff a fee in accordance with the  
25 following schedule for the sale of personal estate which is  
26 made by virtue of any judgment of a court:

27 For judgments up to \$1,000, \$100 ~~\$85~~;

28 For judgments over \$1,000 to \$15,000, \$300 ~~\$175~~;

29 For judgments over \$15,000, \$500 ~~\$400~~.

30 In all cases where the judgment is settled by the parties,  
31 replevied, stopped by injunction or paid, or where the property  
32 levied upon is not actually sold, the sheriff shall be allowed  
33 the fee for levying and mileage, together with half the fee for  
34 all money collected by him or her which he or she would be

1 entitled to if the same were made by sale in the enforcement of  
2 a judgment. In no case shall the fee exceed the amount of money  
3 arising from the sale.

4 The fee requirements of this Section do not apply to police  
5 departments or other law enforcement agencies. For the purposes  
6 of this Section, "law enforcement agency" means an agency of  
7 the State or unit of local government which is vested by law or  
8 ordinance with the duty to maintain public order and to enforce  
9 criminal laws or ordinances.

10 The fee requirements of this Section do not apply to units  
11 of local government or school districts.

12 (Source: P.A. 86-962; 87-669; 87-670.)

13 (55 ILCS 5/4-12001.1) (from Ch. 34, par. 4-12001.1)

14 Sec. 4-12001.1. Fees of sheriff in third class counties;  
15 local governments and school districts. The officers herein  
16 named, in counties of the third class, shall be entitled to  
17 receive the fees herein specified from all units of local  
18 governments and school districts, for the services mentioned  
19 and such other fees as may be provided by law for such other  
20 services not herein designated.

21 Fees for Sheriff

22 For serving or attempting to serve any summons on each  
23 defendant, \$25 ~~\$10~~.

24 For serving or attempting to serve each alias summons or  
25 other process mileage will be charged as hereinafter provided  
26 when the address for service differs from the address for  
27 service on the original summons or other process.

28 For serving or attempting to serve all other process, on  
29 each defendant, \$25 ~~\$10~~.

30 For serving or attempting to serve a subpoena on each  
31 witness, \$25 ~~\$10~~.

32 For serving or attempting to serve each warrant, \$25 ~~\$10~~.

33 For serving or attempting to serve each garnishee, \$25 ~~\$10~~.

1 For summoning each juror, \$4.

2 For serving or attempting to serve each order or judgment  
3 for replevin, \$25 ~~\$10~~.

4 For serving or attempting to serve an order for attachment,  
5 on each defendant, \$25 ~~\$10~~.

6 For serving or attempting to serve an order or judgment for  
7 the possession of real estate in an action of ejectment or in  
8 any other action, or for restitution in an action of forcible  
9 entry and detainer, without aid, \$9, and when aid is necessary,  
10 the sheriff shall be allowed to tax in addition the actual  
11 costs thereof.

12 For serving or attempting to serve notice of judgment, \$25  
13 ~~\$10~~.

14 For levying to satisfy an order in an action for  
15 attachment, \$25 ~~\$10~~.

16 For executing order of court to seize personal property,  
17 \$25 ~~\$10~~.

18 For making certificate of levy on real estate and filing or  
19 recording same, \$3, and the fee for filing or recording shall  
20 be advanced by the plaintiff in attachment or by the judgment  
21 creditor and taxed as costs. For taking possession of or  
22 removing property levied on, the sheriff shall be allowed to  
23 tax the necessary actual costs of such possession or removal.

24 For advertising property for sale, \$3.

25 For making certificate of sale and making and filing  
26 duplicate for record, \$3, and the fee for recording same shall  
27 be advanced by the judgment creditor and taxed as costs.

28 For preparing, executing and acknowledging deed on  
29 redemption from a court sale of real estate, \$6; for preparing,  
30 executing and acknowledging all other deeds on sale of real  
31 estate, \$4.

32 For making and filing certificate of redemption, \$3.50, and  
33 the fee for recording same shall be advanced by party making  
34 the redemption and taxed as costs.

1 For making and filing certificate of redemption from a  
2 court sale, \$4.50, and the fee for recording same shall be  
3 advanced by the party making the redemption and taxed as costs.

4 For taking all bonds on legal process, \$2.

5 For taking special bail, \$2.

6 For returning each process, \$5.

7 Mileage for service or attempted service of all process is  
8 a \$10 flat fee, 16¢ per mile each way necessarily traveled in  
9 making or attempting to make such service computed from the  
10 place of holding court.

11 For attending before a court with a prisoner on an order  
12 for habeas corpus, \$3.50 per day.

13 For executing requisitions from other States, \$5.

14 For conveying each prisoner from the prisoner's county to  
15 the jail of another county, per mile for going only, 25¢.

16 For committing to or discharging each prisoner from jail,  
17 \$1.

18 For feeding each prisoner, such compensation to cover  
19 actual costs as may be fixed by the county board, but such  
20 compensation shall not be considered a part of the fees of the  
21 office.

22 For committing each prisoner to jail under the laws of the  
23 United States, to be paid by the marshal or other person  
24 requiring his confinement, \$1.

25 For feeding such prisoners per day, \$1, to be paid by the  
26 marshal or other person requiring the prisoner's confinement.

27 For discharging such prisoners, \$1.

28 For conveying persons to the penitentiary, reformatories,  
29 Illinois State Training School for Boys, Illinois State  
30 Training School for Girls, Reception Centers and Illinois  
31 Security Hospital, the following fees, payable out of the State  
32 Treasury. When one person is conveyed, 15¢ per mile in going to  
33 the penitentiary, reformatories, Illinois State Training  
34 School for Boys, Illinois State Training School for Girls,

1 Reception Centers and Illinois Security Hospital from the place  
2 of conviction; when 2 persons are conveyed at the same time,  
3 15¢ per mile for the first and 10¢ per mile for the second  
4 person; when more than 2 persons are conveyed at the same time  
5 as stated above, the sheriff shall be allowed 15¢ per mile for  
6 the first, 10¢ per mile for the second and 5¢ per mile for each  
7 additional person.

8 The fees provided for herein for transporting persons to  
9 the penitentiary, reformatories, Illinois State Training  
10 School for Boys, Illinois State Training School for Girls,  
11 Reception Centers and Illinois Security Hospital, shall be paid  
12 for each trip so made. Mileage as used in this Section means  
13 the shortest route on a hard surfaced road, (either State Bond  
14 Issue Route or Federal highways) or railroad, whichever is  
15 shorter, between the place from which the person is to be  
16 transported, to the penitentiary, reformatories, Illinois  
17 State Training School for Boys, Illinois State Training School  
18 for Girls, Reception Centers and Illinois Security Hospital,  
19 and all fees per mile shall be computed on such basis.

20 In addition to the above fees, there shall be allowed to  
21 the sheriff a fee of \$600 for the sale of real estate which  
22 shall be made by virtue of any judgment of a court. In addition  
23 to this fee and all other fees provided by this Section, there  
24 shall be allowed to the sheriff a fee in accordance with the  
25 following schedule for the sale of personal estate which is  
26 made by virtue of any judgment of a court:

27 For judgments up to \$1,000, \$90 ~~\$75~~;

28 For judgments over \$1,000 to \$15,000, \$275 ~~\$150~~;

29 For judgments over \$15,000, \$400 ~~\$300~~.

30 In all cases where the judgment is settled by the parties,  
31 replevied, stopped by injunction or paid, or where the property  
32 levied upon is not actually sold, the sheriff shall be allowed  
33 the fee for levying and mileage, together with half the fee for  
34 all money collected by him or her which he or she would be



1 entitled to if the same were made by sale in the enforcement of  
2 a judgment. In no case shall the fee exceed the amount of money  
3 arising from the sale.

4 All fees collected under Sections 4-12001 and 12001.1 must  
5 be used for public safety purposes only.

6 (Source: P.A. 87-670.)".