



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**SB2560**

Introduced 1/20/2006, by Sen. Ira I. Silverstein

**SYNOPSIS AS INTRODUCED:**

55 ILCS 5/4-12001	from Ch. 34, par. 4-12001
55 ILCS 5/4-12001.1	from Ch. 34, par. 4-12001.1

Amends the Counties Code. Increases certain fees charged by sheriffs in third class counties. Provides that specific fees collected by sheriffs in third class counties must be used for public safety purposes.

LRB094 18622 HLH 53969 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 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~~.

25 For summoning each juror, \$10.

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

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

30 For serving or attempting to serve an order or judgment for  
31 the possession of real estate in an action of ejectment or in  
32 any other action, or for restitution in an action of forcible

1 entry and detainer, without aid, \$35 ~~\$15~~, and when aid is  
2 necessary, the sheriff shall be allowed to tax in addition the  
3 actual costs thereof.

4 For serving or attempting to serve notice of judgment, \$35  
5 ~~\$15~~.

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

8 For executing order of court to seize personal property,  
9 \$25 ~~\$15~~.

10 For making certificate of levy on real estate and filing or  
11 recording same, \$8, and the fee for filing or recording shall  
12 be advanced by the plaintiff in attachment or by the judgment  
13 creditor and taxed as costs. For taking possession of or  
14 removing property levied on, the sheriff shall be allowed to  
15 tax the necessary actual costs of such possession or removal.

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

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

20 For preparing, executing and acknowledging deed on  
21 redemption from a court sale of real estate, \$15; for  
22 preparing, executing and acknowledging all other deeds on sale  
23 of real estate, \$10.

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

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

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

31 For taking special bail, \$5.

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

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

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

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

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

6 For committing to or discharging each prisoner from jail,  
7 \$3.

8 For feeding each prisoner, such compensation to cover  
9 actual costs as may be fixed by the county board, but such  
10 compensation shall not be considered a part of the fees of the  
11 office.

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

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

17 For discharging such prisoners, \$3.

18 For conveying persons to the penitentiary, reformatories,  
19 Illinois State Training School for Boys, Illinois State  
20 Training School for Girls, Reception Centers and Illinois  
21 Security Hospital, the following fees, payable out of the State  
22 Treasury. When one person is conveyed, 20¢ per mile in going to  
23 the penitentiary, reformatories, Illinois State Training  
24 School for Boys, Illinois State Training School for Girls,  
25 Reception Centers and Illinois Security Hospital from the place  
26 of conviction; when 2 persons are conveyed at the same time,  
27 20¢ per mile for the first and 15¢ per mile for the second  
28 person; when more than 2 persons are conveyed at the same time  
29 as Stated above, the sheriff shall be allowed 20¢ per mile for  
30 the first, 15¢ per mile for the second and 10¢ per mile for  
31 each additional person.

32 The fees provided for herein for transporting persons to  
33 the penitentiary, reformatories, Illinois State Training  
34 School for Boys, Illinois State Training School for Girls,  
35 Reception Centers and Illinois Security Hospital, shall be paid  
36 for each trip so made. Mileage as used in this Section means

1 the shortest route on a hard surfaced road, (either State Bond  
2 Issue Route or Federal highways) or railroad, whichever is  
3 shorter, between the place from which the person is to be  
4 transported, to the penitentiary, reformatories, Illinois  
5 State Training School for Boys, Illinois State Training School  
6 for Girls, Reception Centers and Illinois Security Hospital,  
7 and all fees per mile shall be computed on such basis.

8 In addition to the above fees, there shall be allowed to  
9 the sheriff a fee of \$900 for the sale of real estate which  
10 shall be made by virtue of any judgment of a court. In addition  
11 to this fee and all other fees provided by this Section, there  
12 shall be allowed to the sheriff a fee in accordance with the  
13 following schedule for the sale of personal estate which is  
14 made by virtue of any judgment of a court:

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

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

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

18 In all cases where the judgment is settled by the parties,  
19 replevied, stopped by injunction or paid, or where the property  
20 levied upon is not actually sold, the sheriff shall be allowed  
21 the fee for levying and mileage, together with half the fee for  
22 all money collected by him or her which he or she would be  
23 entitled to if the same were made by sale in the enforcement of  
24 a judgment. In no case shall the fee exceed the amount of money  
25 arising from the sale.

26 The fee requirements of this Section do not apply to police  
27 departments or other law enforcement agencies. For the purposes  
28 of this Section, "law enforcement agency" means an agency of  
29 the State or unit of local government which is vested by law or  
30 ordinance with the duty to maintain public order and to enforce  
31 criminal laws or ordinances.

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

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

35 (55 ILCS 5/4-12001.1) (from Ch. 34, par. 4-12001.1)

1           Sec. 4-12001.1. Fees of sheriff in third class counties;  
2 local governments and school districts. The officers herein  
3 named, in counties of the third class, shall be entitled to  
4 receive the fees herein specified from all units of local  
5 governments and school districts, for the services mentioned  
6 and such other fees as may be provided by law for such other  
7 services not herein designated.

8 Fees for Sheriff

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

11           For serving or attempting to serve each alias summons or  
12 other process mileage will be charged as hereinafter provided  
13 when the address for service differs from the address for  
14 service on the original summons or other process.

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

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

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

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

21           For summoning each juror, \$4.

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

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

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

32           For serving or attempting to serve notice of judgment, \$25  
33 ~~\$10~~.

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

36           For executing order of court to seize personal property,

1 ~~\$25~~ \$10.

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

8 For advertising property for sale, \$3.

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

12 For preparing, executing and acknowledging deed on  
13 redemption from a court sale of real estate, \$6; for preparing,  
14 executing and acknowledging all other deeds on sale of real  
15 estate, \$4.

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

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

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

23 For taking special bail, \$2.

24 For returning each process, \$5.

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

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

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

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

34 For committing to or discharging each prisoner from jail,  
35 \$1.

36 For feeding each prisoner, such compensation to cover

1 actual costs as may be fixed by the county board, but such  
2 compensation shall not be considered a part of the fees of the  
3 office.

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

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

9 For discharging such prisoners, \$1.

10 For conveying persons to the penitentiary, reformatories,  
11 Illinois State Training School for Boys, Illinois State  
12 Training School for Girls, Reception Centers and Illinois  
13 Security Hospital, the following fees, payable out of the State  
14 Treasury. When one person is conveyed, 15¢ per mile in going to  
15 the penitentiary, reformatories, Illinois State Training  
16 School for Boys, Illinois State Training School for Girls,  
17 Reception Centers and Illinois Security Hospital from the place  
18 of conviction; when 2 persons are conveyed at the same time,  
19 15¢ per mile for the first and 10¢ per mile for the second  
20 person; when more than 2 persons are conveyed at the same time  
21 as stated above, the sheriff shall be allowed 15¢ per mile for  
22 the first, 10¢ per mile for the second and 5¢ per mile for each  
23 additional person.

24 The fees provided for herein for transporting persons to  
25 the penitentiary, reformatories, Illinois State Training  
26 School for Boys, Illinois State Training School for Girls,  
27 Reception Centers and Illinois Security Hospital, shall be paid  
28 for each trip so made. Mileage as used in this Section means  
29 the shortest route on a hard surfaced road, (either State Bond  
30 Issue Route or Federal highways) or railroad, whichever is  
31 shorter, between the place from which the person is to be  
32 transported, to the penitentiary, reformatories, Illinois  
33 State Training School for Boys, Illinois State Training School  
34 for Girls, Reception Centers and Illinois Security Hospital,  
35 and all fees per mile shall be computed on such basis.

36 In addition to the above fees, there shall be allowed to



1 the sheriff a fee of \$600 for the sale of real estate which  
2 shall be made by virtue of any judgment of a court. In addition  
3 to this fee and all other fees provided by this Section, there  
4 shall be allowed to the sheriff a fee in accordance with the  
5 following schedule for the sale of personal estate which is  
6 made by virtue of any judgment of a court:

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

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

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

10 In all cases where the judgment is settled by the parties,  
11 replevied, stopped by injunction or paid, or where the property  
12 levied upon is not actually sold, the sheriff shall be allowed  
13 the fee for levying and mileage, together with half the fee for  
14 all money collected by him or her which he or she would be  
15 entitled to if the same were made by sale in the enforcement of  
16 a judgment. In no case shall the fee exceed the amount of money  
17 arising from the sale.

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

20 (Source: P.A. 87-670.)