

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 Section  
5 4-2002 as follows:

6 (55 ILCS 5/4-2002) (from Ch. 34, par. 4-2002)

7 Sec. 4-2002. State's attorney fees in counties under  
8 3,000,000 population. This Section applies only to counties  
9 with fewer than 3,000,000 inhabitants.

10 (a) State's attorneys shall be entitled to the following  
11 fees, however, the fee requirement of this subsection does not  
12 apply to county boards:

13 For each conviction in prosecutions on indictments for  
14 first degree murder, second degree murder, involuntary  
15 manslaughter, criminal sexual assault, aggravated criminal  
16 sexual assault, aggravated criminal sexual abuse, kidnapping,  
17 arson and forgery, \$30. All other cases punishable by  
18 imprisonment in the penitentiary, \$30.

19 For each conviction in other cases tried before judges of  
20 the circuit court, \$15; except that if the conviction is in a  
21 case which may be assigned to an associate judge, whether or  
22 not it is in fact assigned to an associate judge, the fee shall  
23 be \$10.

1 For preliminary examinations for each defendant held to  
2 bail or recognizance, \$10.

3 For each examination of a party bound over to keep the  
4 peace, \$10.

5 For each defendant held to answer in a circuit court on a  
6 charge of paternity, \$10.

7 For each trial on a charge of paternity, \$30.

8 For each case of appeal taken from his county or from the  
9 county to which a change of venue is taken to his county to the  
10 Supreme or Appellate Court when prosecuted or defended by him,  
11 \$50.

12 For each day actually employed in the trial of a case, \$25;  
13 in which case the court before whom the case is tried shall  
14 make an order specifying the number of days for which a per  
15 diem shall be allowed.

16 For each day actually employed in the trial of cases of  
17 felony arising in their respective counties and taken by change  
18 of venue to another county, \$25; and the court before whom the  
19 case is tried shall make an order specifying the number of days  
20 for which said per diem shall be allowed; and it is hereby made  
21 the duty of each State's attorney to prepare and try each case  
22 of felony arising when so taken by change of venue.

23 For assisting in a trial of each case on an indictment for  
24 felony brought by change of venue to their respective counties,  
25 the same fees they would be entitled to if such indictment had  
26 been found for an offense committed in his county, and it shall

1 be the duty of the State's attorney of the county to which such  
2 cause is taken by change of venue to assist in the trial  
3 thereof.

4 For each case of forfeited recognizance where the  
5 forfeiture is set aside at the instance of the defense, in  
6 addition to the ordinary costs, \$10 for each defendant.

7 For each proceeding in a circuit court to inquire into the  
8 alleged mental illness of any person, \$10 for each defendant.

9 For each proceeding in a circuit court to inquire into the  
10 alleged dependency or delinquency of any child, \$10.

11 For each day actually employed in the hearing of a case of  
12 habeas corpus in which the people are interested, \$25.

13 For each violation of the Criminal Code of 1961 and the  
14 Illinois Vehicle Code in which a defendant has entered a plea  
15 of guilty or a defendant has stipulated to the facts supporting  
16 the charge or a finding of guilt and the court has entered an  
17 order of supervision, \$10.

18 All the foregoing fees shall be taxed as costs to be  
19 collected from the defendant, if possible, upon conviction. But  
20 in cases of inquiry into the mental illness of any person  
21 alleged to be mentally ill, in cases on a charge of paternity  
22 and in cases of appeal in the Supreme or Appellate Court, where  
23 judgment is in favor of the accused, the fees allowed the  
24 State's attorney therein shall be retained out of the fines and  
25 forfeitures collected by them in other cases.

26 Ten per cent of all moneys except revenue, collected by

1 them and paid over to the authorities entitled thereto, which  
2 per cent together with the fees provided for herein that are  
3 not collected from the parties tried or examined, shall be paid  
4 out of any fines and forfeited recognizances collected by them,  
5 provided however, that in proceedings to foreclose the lien of  
6 delinquent real estate taxes State's attorneys shall receive a  
7 fee, to be credited to the earnings of their office, of 10% of  
8 the total amount realized from the sale of real estate sold in  
9 such proceedings. Such fees shall be paid from the total amount  
10 realized from the sale of the real estate sold in such  
11 proceedings.

12 State's attorneys shall have a lien for their fees on all  
13 judgments for fines or forfeitures procured by them and on  
14 moneys except revenue received by them until such fees and  
15 earnings are fully paid.

16 No fees shall be charged on more than 10 counts in any one  
17 indictment or information on trial and conviction; nor on more  
18 than 10 counts against any one defendant on pleas of guilty.

19 The Circuit Court may direct that of all monies received,  
20 by restitution or otherwise, which monies are ordered paid to  
21 the Department of Healthcare and Family Services (formerly  
22 Department of Public Aid) or the Department of Human Services  
23 (acting as successor to the Department of Public Aid under the  
24 Department of Human Services Act) as a direct result of the  
25 efforts of the State's attorney and which payments arise from  
26 Civil or Criminal prosecutions involving the Illinois Public

1 Aid Code or the Criminal Code, the following amounts shall be  
2 paid quarterly by the Department of Healthcare and Family  
3 Services ~~Public Aid~~ or the Department of Human Services to the  
4 General Corporate Fund of the County in which the prosecution  
5 or cause of action took place:

6 (1) where the monies result from child support  
7 obligations, not more than 25% of the federal share of the  
8 monies received,

9 (2) where the monies result from other than child  
10 support obligations, not more than 25% of the State's share  
11 of the monies received.

12 (b) A municipality shall be entitled to a \$10 prosecution  
13 fee for each conviction for a violation of The Illinois Vehicle  
14 Code prosecuted by the municipal attorney pursuant to Section  
15 16-102 of that Code which is tried before a circuit or  
16 associate judge and shall be entitled to a \$10 prosecution fee  
17 for each conviction for a violation of a municipal vehicle  
18 ordinance or nontraffic ordinance prosecuted by the municipal  
19 attorney which is tried before a circuit or associate judge.  
20 Such fee shall be taxed as costs to be collected from the  
21 defendant, if possible, upon conviction. A municipality shall  
22 have a lien for such prosecution fees on all judgments or fines  
23 procured by the municipal attorney from prosecutions for  
24 violations of The Illinois Vehicle Code and municipal vehicle  
25 ordinances or nontraffic ordinances.

26 For the purposes of this subsection (b), "municipal vehicle

1 ordinance" means any ordinance enacted pursuant to Sections  
2 11-40-1, 11-40-2, 11-40-2a and 11-40-3 of the Illinois  
3 Municipal Code or any ordinance enacted by a municipality which  
4 is similar to a provision of Chapter 11 of The Illinois Vehicle  
5 Code.

6 (Source: P.A. 88-572, eff. 8-11-94; 89-507, eff. 7-1-97;  
7 revised 12-15-05.)