



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB2501

Introduced 2/20/2009, by Rep. Arthur L. Turner

SYNOPSIS AS INTRODUCED:

705 ILCS 105/27.2a

from Ch. 25, par. 27.2a

Amends the Clerks of Courts Act. Provides that in counties with a population of 3,000,000 or more inhabitants, amounts authorized for fees are increased for: filing a complaint, jury demand, appearance, garnishment, or wage deduction; a mailing, certified copy, certification, or record search; probate cases; criminal and quasi-criminal cases; tax deeds; and other matters. Makes other changes.

LRB096 04536 AJO 14591 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning civil law.

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

4 Section 5. The Clerks of Courts Act is amended by changing
5 Section 27.2a as follows:

6 (705 ILCS 105/27.2a) (from Ch. 25, par. 27.2a)

7 Sec. 27.2a. The fees of the clerks of the circuit court in
8 all counties having a population of 3,000,000 or more
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 \$190 and a maximum of
19 \$276 ~~\$240~~.

20 (A) When the amount of money or damages or the
21 value of personal property claimed does not exceed
22 \$250, a minimum of \$15 and a maximum of \$25 ~~\$22~~.

23 (B) When that amount exceeds \$250 but does not

1 exceed \$1000, a minimum of \$40 and a maximum of \$86
2 ~~\$75~~.

3 (C) When that amount exceeds \$1000 but does not
4 exceed \$2500, a minimum of \$50 and a maximum of \$92
5 ~~\$80~~.

6 (D) When that amount exceeds \$2500 but does not
7 exceed \$5000, a minimum of \$100 and a maximum of \$150
8 ~~\$130~~.

9 (E) When that amount exceeds \$5000 but does not
10 exceed \$15,000, \$173 ~~\$150~~.

11 (F) For the exercise of eminent domain, \$150. For
12 each additional lot or tract of land or right or
13 interest therein subject to be condemned, the damages
14 in respect to which shall require separate assessment
15 by a jury, \$173 ~~\$150~~.

16 (G) For the final determination of parking,
17 standing, and compliance violations and final
18 administrative decisions issued after hearings
19 regarding vehicle immobilization and impoundment made
20 pursuant to Sections 3-704.1, 6-306.5, and 11-208.3 of
21 the Illinois Vehicle Code, \$29 ~~\$25~~.

22 (H) No fees shall be charged by the clerk to a
23 petitioner in any order of protection including, but
24 not limited to, filing, modifying, withdrawing,
25 certifying, or photocopying petitions for orders of
26 protection, or for issuing alias summons, or for any

1 related filing service, certifying, modifying,
2 vacating, or photocopying any orders of protection.

3 (b) Forcible Entry and Detainer.

4 In each forcible entry and detainer case when the
5 plaintiff seeks possession only or unites with his or her
6 claim for possession of the property a claim for rent or
7 damages or both in the amount of \$15,000 or less, a minimum
8 of \$75 and a maximum of \$161 ~~\$140~~. When the plaintiff
9 unites his or her claim for possession with a claim for
10 rent or damages or both exceeding \$15,000, a minimum of
11 \$225 and a maximum of \$385 ~~\$335~~.

12 (c) Counterclaim or Joining Third Party Defendant.

13 When any defendant files a counterclaim as part of his
14 or her answer or otherwise or joins another party as a
15 third party defendant, or both, the defendant shall pay a
16 fee for each counterclaim or third party action in an
17 amount equal to the fee he or she would have had to pay had
18 he or she brought a separate action for the relief sought
19 in the counterclaim or against the third party defendant,
20 less the amount of the appearance fee, if that has been
21 paid.

22 (d) Confession of Judgment.

23 In a confession of judgment when the amount does not
24 exceed \$1500, a minimum of \$60 and a maximum of \$81 ~~\$70~~.
25 When the amount exceeds \$1500, but does not exceed \$5000, a
26 minimum of \$75 and a maximum of \$173 ~~\$150~~. When the amount

1 exceeds \$5000, but does not exceed \$15,000, a minimum of
2 \$175 and a maximum of \$299 ~~\$260~~. When the amount exceeds
3 \$15,000, a minimum of \$250 and a maximum of \$357 ~~\$310~~.

4 (e) Appearance.

5 The fee for filing an appearance in each civil case
6 shall be a minimum of \$75 and a maximum of \$127 ~~\$110~~,
7 except as follows:

8 (A) When the plaintiff in a forcible entry and
9 detainer case seeks possession only, a minimum of \$40
10 and a maximum of \$92 ~~\$80~~.

11 (B) When the amount in the case does not exceed
12 \$1500, a minimum of \$40 and a maximum of \$92 ~~\$80~~.

13 (C) When that amount exceeds \$1500 but does not
14 exceed \$15,000, a minimum of \$60 and a maximum of \$104
15 ~~\$90~~.

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

17 In garnishment affidavit, wage deduction affidavit,
18 and citation petition when the amount does not exceed
19 \$1,000, a minimum of \$15 and a maximum of \$29 ~~\$25~~; when the
20 amount exceeds \$1,000 but does not exceed \$5,000, a minimum
21 of \$30 and a maximum of \$52 ~~\$45~~; and when the amount
22 exceeds \$5,000, a minimum of \$50 and a maximum of \$92 ~~\$80~~.

23 (g) Petition to Vacate or Modify.

24 (1) Petition to vacate or modify any final judgment or
25 order of court, except in forcible entry and detainer cases
26 and small claims cases or a petition to reopen an estate,

1 to modify, terminate, or enforce a judgment or order for
2 child or spousal support, or to modify, suspend, or
3 terminate an order for withholding, if filed before 30 days
4 after the entry of the judgment or order, a minimum of \$50
5 and a maximum of \$69 ~~\$60~~.

6 (2) Petition to vacate or modify any final judgment or
7 order of court, except a petition to modify, terminate, or
8 enforce a judgment or order for child or spousal support or
9 to modify, suspend, or terminate an order for withholding,
10 if filed later than 30 days after the entry of the judgment
11 or order, a minimum of \$75 and a maximum of \$104 ~~\$90~~.

12 (3) Petition to vacate order of bond forfeiture, a
13 minimum of \$40 and a maximum of \$92 ~~\$80~~.

14 (h) Mailing.

15 When the clerk is required to mail, the fee will be a
16 minimum of \$10 and a maximum of \$17 ~~\$15~~, plus the cost of
17 postage.

18 (i) Certified Copies.

19 Each certified copy of a judgment after the first,
20 except in small claims and forcible entry and detainer
21 cases, a minimum of \$15 and a maximum of \$23 ~~\$20~~.

22 (j) Habeas Corpus.

23 For filing a petition for relief by habeas corpus, a
24 minimum of \$125 and a maximum of \$219 ~~\$190~~.

25 (k) Certification, Authentication, and Reproduction.

26 (1) Each certification or authentication for taking

1 the acknowledgment of a deed or other instrument in writing
2 with the seal of office, a minimum of \$6 and a maximum of
3 \$10 ~~\$9~~.

4 (2) Court appeals when original documents are
5 forwarded, under 100 pages, plus delivery and costs, a
6 minimum of \$75 and a maximum of \$127 ~~\$110~~.

7 (3) Court appeals when original documents are
8 forwarded, over 100 pages, plus delivery and costs, a
9 minimum of \$150 and a maximum of \$213 ~~\$185~~.

10 (4) Court appeals when original documents are
11 forwarded, over 200 pages, an additional fee of a minimum
12 of 25 and a maximum of 35 ~~30~~ cents per page.

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

15 (A) First page, \$2.30 ~~\$2~~.

16 (B) Next 19 pages, 60 ~~50~~ cents per page.

17 (C) All remaining pages, 30 ~~25~~ cents per page.

18 (1) Remands.

19 In any cases remanded to the Circuit Court from the
20 Supreme Court or the Appellate Court for a new trial, the
21 clerk shall file the remanding order and reinstate the case
22 with either its original number or a new number. The Clerk
23 shall not charge any new or additional fee for the
24 reinstatement. Upon reinstatement the Clerk shall advise
25 the parties of the reinstatement. A party shall have the
26 same right to a jury trial on remand and reinstatement as

1 he or she had before the appeal, and no additional or new
2 fee or charge shall be made for a jury trial after remand.

3 (m) Record Search.

4 For each record search, within a division or municipal
5 district, the clerk shall be entitled to a search fee of a
6 minimum of \$6 and a maximum of \$10 ~~\$9~~ for each year
7 searched.

8 (n) Hard Copy.

9 For each page of hard copy print output, when case
10 records are maintained on an automated medium, the clerk
11 shall be entitled to a fee of a minimum of \$6 and a maximum
12 of \$10 ~~\$9~~.

13 (o) Index Inquiry and Other Records.

14 No fee shall be charged for a single
15 plaintiff/defendant index inquiry or single case record
16 inquiry when this request is made in person and the records
17 are maintained in a current automated medium, and when no
18 hard copy print output is requested. The fees to be charged
19 for management records, multiple case records, and
20 multiple journal records may be specified by the Chief
21 Judge pursuant to the guidelines for access and
22 dissemination of information approved by the Supreme
23 Court.

24 (p) (Blank).

25 (q) Alias Summons.

26 For each alias summons or citation issued by the clerk,

1 a minimum of \$5 and a maximum of \$7 ~~\$6~~.

2 (r) Other Fees.

3 Any fees not covered in this Section shall be set by
4 rule or administrative order of the Circuit Court with the
5 approval of the Administrative Office of the Illinois
6 Courts.

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

17 (s) Jury Services.

18 The clerk shall be entitled to receive, in addition to
19 other fees allowed by law, the sum of a minimum of \$212.50
20 and maximum of \$265 ~~\$230~~, as a fee for the services of a
21 jury in every civil action not quasi-criminal in its nature
22 and not a proceeding for the exercise of the right of
23 eminent domain and in every other action wherein the right
24 of trial by jury is or may be given by law. The jury fee
25 shall be paid by the party demanding a jury at the time of
26 filing the jury demand. If the fee is not paid by either

1 party, no jury shall be called in the action or proceeding,
2 and the same shall be tried by the court without a jury.

3 (t) Voluntary Assignment.

4 For filing each deed of voluntary assignment, a minimum
5 of \$20 and a maximum of \$46 ~~\$40~~; for recording the same, a
6 minimum of 50¢ and a maximum of \$0.90 ~~\$0.80~~ for each 100
7 words. Exceptions filed to claims presented to an assignee
8 of a debtor who has made a voluntary assignment for the
9 benefit of creditors shall be considered and treated, for
10 the purpose of taxing costs therein, as actions in which
11 the party or parties filing the exceptions shall be
12 considered as party or parties plaintiff, and the claimant
13 or claimants as party or parties defendant, and those
14 parties respectively shall pay to the clerk the same fees
15 as provided by this Section to be paid in other actions.

16 (u) Expungement Petition.

17 The clerk shall be entitled to receive a fee of a
18 minimum of \$60 and a maximum of \$120 for each expungement
19 petition filed and an additional fee of a minimum of \$4 and
20 a maximum of \$8 for each certified copy of an order to
21 expunge arrest records.

22 (v) Probate.

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

1 (1) For administration of the estate of a decedent
2 (whether testate or intestate) or of a missing person, a
3 minimum of \$150 and a maximum of \$259 ~~\$225~~, plus the fees
4 specified in subsection (v) (3), except:

5 (A) When the value of the real and personal
6 property does not exceed \$15,000, the fee shall be a
7 minimum of \$40 and a maximum of \$75 ~~\$65~~.

8 (B) When (i) proof of heirship alone is made, (ii)
9 a domestic or foreign will is admitted to probate
10 without administration (including proof of heirship),
11 or (iii) letters of office are issued for a particular
12 purpose without administration of the estate, the fee
13 shall be a minimum of \$40 and a maximum of \$75 ~~\$65~~.

14 (2) For administration of the estate of a ward, a
15 minimum of \$75 and a maximum of \$127 ~~\$110~~, plus the fees
16 specified in subsection (v) (3), except:

17 (A) When the value of the real and personal
18 property does not exceed \$15,000, the fee shall be a
19 minimum of \$40 and a maximum of \$75 ~~\$65~~.

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

1 and a maximum of \$46 ~~\$40~~.

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

5 (A) For each account (other than one final account)
6 filed in the estate of a decedent, or ward, a minimum
7 of \$25 and a maximum of \$46 ~~\$40~~.

8 (B) For filing a claim in an estate when the amount
9 claimed is \$150 or more but less than \$500, a minimum
10 of \$20 and a maximum of \$46 ~~\$40~~; when the amount
11 claimed is \$500 or more but less than \$10,000, a
12 minimum of \$40 and a maximum of \$75 ~~\$65~~; when the
13 amount claimed is \$10,000 or more, a minimum of \$60 and
14 a maximum of \$104 ~~\$90~~; provided that the court in
15 allowing a claim may add to the amount allowed the
16 filing fee paid by the claimant.

17 (C) For filing in an estate a claim, petition, or
18 supplemental proceeding based upon an action seeking
19 equitable relief including the construction or contest
20 of a will, enforcement of a contract to make a will,
21 and proceedings involving testamentary trusts or the
22 appointment of testamentary trustees, a minimum of \$60
23 and a maximum of \$104 ~~\$90~~.

24 (D) For filing in an estate (i) the appearance of
25 any person for the purpose of consent or (ii) the
26 appearance of an executor, administrator,

1 administrator to collect, guardian, guardian ad litem,
2 or special administrator, no fee.

3 (E) Except as provided in subsection (v)(3)(D),
4 for filing the appearance of any person or persons, a
5 minimum of \$30 and a maximum of \$104 ~~\$90~~.

6 (F) For each jury demand, a minimum of \$137.50 and
7 a maximum of \$207 ~~\$180~~.

8 (G) For disposition of the collection of a judgment
9 or settlement of an action or claim for wrongful death
10 of a decedent or of any cause of action of a ward, when
11 there is no other administration of the estate, a
12 minimum of \$50 and a maximum of \$92 ~~\$80~~, less any
13 amount paid under subsection (v)(1)(B) or (v)(2)(B)
14 except that if the amount involved does not exceed
15 \$5,000, the fee, including any amount paid under
16 subsection (v)(1)(B) or (v)(2)(B), shall be a minimum
17 of \$20 and a maximum of \$46 ~~\$40~~.

18 (H) For each certified copy of letters of office,
19 of court order or other certification, a minimum of \$2
20 and a maximum of \$5 ~~\$4~~, plus \$1.15 ~~\$1~~ per page in
21 excess of 3 pages for the document certified.

22 (I) For each exemplification, \$2.30 ~~\$2~~, plus the
23 fee for certification.

24 (4) The executor, administrator, guardian, petitioner,
25 or other interested person or his or her attorney shall pay
26 the cost of publication by the clerk directly to the

1 newspaper.

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

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

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

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

15 (A) Felony complaints, a minimum of \$125 and a
16 maximum of \$219 ~~\$190~~.

17 (B) Misdemeanor complaints, a minimum of \$75 and a
18 maximum of \$127 ~~\$110~~.

19 (C) Business offense complaints, a minimum of \$75
20 and a maximum of \$127 ~~\$110~~.

21 (D) Petty offense complaints, a minimum of \$75 and
22 a maximum of \$127 ~~\$110~~.

23 (E) Minor traffic or ordinance violations, \$35
24 ~~\$30~~.

25 (F) When court appearance required, \$58 ~~\$50~~.

26 (G) Motions to vacate or amend final orders, a

1 minimum of \$40 and a maximum of \$92 ~~\$80~~.

2 (H) Motions to vacate bond forfeiture orders, a
3 minimum of \$30 and a maximum of \$52 ~~\$45~~.

4 (I) Motions to vacate ex parte judgments, whenever
5 filed, a minimum of \$30 and a maximum of \$52 ~~\$45~~.

6 (J) Motions to vacate judgment on forfeitures,
7 whenever filed, a minimum of \$25 and a maximum of \$35
8 ~~\$30~~.

9 (K) Motions to vacate "failure to appear" or
10 "failure to comply" notices sent to the Secretary of
11 State, a minimum of \$40 and a maximum of \$58 ~~\$50~~.

12 (2) (Blank). ~~In counties having a population of~~
13 ~~3,000,000 or more, when the violation complaint is issued~~
14 ~~by a municipal police department, the clerk shall be~~
15 ~~entitled to costs from each person convicted therein as~~
16 ~~follows:~~

17 ~~(A) Minor traffic or ordinance violations, \$30.~~

18 ~~(B) When court appearance required, \$50.~~

19 (3) In ordinance violation cases punishable by fine
20 only, the clerk of the circuit court shall be entitled to
21 receive, unless the fee is excused upon a finding by the
22 court that the defendant is indigent, in addition to other
23 fees or costs allowed or imposed by law, the sum of a
24 minimum of \$112.50 and a maximum of \$288 ~~\$250~~ as a fee for
25 the services of a jury. The jury fee shall be paid by the
26 defendant at the time of filing his or her jury demand. If

1 the fee is not so paid by the defendant, no jury shall be
2 called, and the case shall be tried by the court without a
3 jury.

4 (x) Transcripts of Judgment.

5 For the filing of a transcript of judgment, the clerk
6 shall be entitled to the same fee as if it were the
7 commencement of a new suit.

8 (y) Change of Venue.

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

12 (2) The fee for the preparation and certification of a
13 record on a change of venue to another jurisdiction, when
14 original documents are forwarded, a minimum of \$40 and a
15 maximum of \$75 ~~\$65~~.

16 (z) Tax objection complaints.

17 For each tax objection complaint containing one or more
18 tax objections, regardless of the number of parcels
19 involved or the number of taxpayers joining in the
20 complaint, a minimum of \$50 and a maximum of \$115 ~~\$100~~.

21 (aa) Tax Deeds.

22 (1) Petition for tax deed, if only one parcel is
23 involved, a minimum of \$250 and a maximum of \$460 ~~\$400~~.

24 (2) For each additional parcel, add a fee of a minimum
25 of \$100 and a maximum of \$230 ~~\$200~~.

26 (3) For each application for petition for tax deed, a

1 minimum of \$15 and a maximum of \$35.

2 (bb) Collections.

3 (1) For all collections made of others, except the
4 State and county and except in maintenance or child support
5 cases, a sum equal to 3.0% of the amount collected and
6 turned over.

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

10 (3) For any check, draft, or other bank instrument
11 returned to the clerk for non-sufficient funds, account
12 closed, or payment stopped, \$30 ~~\$25~~.

13 (4) In child support and maintenance cases, the clerk,
14 if authorized by an ordinance of the county board, may
15 collect an annual fee of up to \$36 from the person making
16 payment for maintaining child support records and the
17 processing of support orders to the State of Illinois KIDS
18 system and the recording of payments issued by the State
19 Disbursement Unit for the official record of the Court.
20 This fee shall be in addition to and separate from amounts
21 ordered to be paid as maintenance or child support and
22 shall be deposited into a Separate Maintenance and Child
23 Support Collection Fund, of which the clerk shall be the
24 custodian, ex-officio, to be used by the clerk to maintain
25 child support orders and record all payments issued by the
26 State Disbursement Unit for the official record of the

1 Court. The clerk may recover from the person making the
2 maintenance or child support payment any additional cost
3 incurred in the collection of this annual fee.

4 The clerk shall also be entitled to a fee of \$5 for
5 certifications made to the Secretary of State as provided
6 in Section 7-703 of the Family Financial Responsibility Law
7 (625 ILCS 5/7-703) and these fees shall also be deposited
8 into the Separate Maintenance and Child Support Collection
9 Fund.

10 (cc) Corrections of Numbers.

11 For correction of the case number, case title, or
12 attorney computer identification number, if required by
13 rule of court, on any document filed in the clerk's office,
14 to be charged against the party that filed the document, a
15 minimum of \$25 and a maximum of \$46 ~~\$40~~.

16 (dd) Exceptions.

17 (1) The fee requirements of this Section shall not
18 apply to police departments or other law enforcement
19 agencies. In this Section, "law enforcement agency" means
20 an agency of the State or a unit of local government which
21 is vested by law or ordinance with the duty to maintain
22 public order and to enforce criminal laws or ordinances.
23 "Law enforcement agency" also means the Attorney General or
24 any state's attorney.

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

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

8 (3) The fee requirements of this Section shall not
 9 apply to the filing of any commitment petition or petition
 10 for an order authorizing the administration of
 11 psychotropic medication or electroconvulsive therapy under
 12 the Mental Health and Developmental Disabilities Code.

13 (ee) Adoption.

14 (1) For an adoption \$75 ~~\$65~~

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

20 (ff) Adoption exemptions.

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

26 (gg) Unpaid fees.

1 Unless a court ordered payment schedule is implemented
2 or the fee requirements of this Section are waived pursuant
3 to court order, the clerk of the court may add to any
4 unpaid fees and costs under this Section a delinquency
5 amount equal to 5% of the unpaid fees that remain unpaid
6 after 30 days, 10% of the unpaid fees that remain unpaid
7 after 60 days, and 15% of the unpaid fees that remain
8 unpaid after 90 days. Notice to those parties may be made
9 by signage posting or publication. The additional
10 delinquency amounts collected under this Section shall be
11 used to defray additional administrative costs incurred by
12 the clerk of the circuit court in collecting unpaid fees
13 and costs.

14 (Source: P.A. 95-172, eff. 8-14-07.)