



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

**HB3141**

Introduced 2/24/2009, by Rep. Tom Cross

#### SYNOPSIS AS INTRODUCED:

55 ILCS 5/4-2002.1

from Ch. 34, par. 4-2002.1

Amends the Counties Code. Makes a technical change in a Section concerning State's attorney fees in counties of 3,000,000 or more.

LRB096 05952 RLJ 16033 b

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 4-2002.1 as follows:

6 (55 ILCS 5/4-2002.1) (from Ch. 34, par. 4-2002.1)

7 Sec. 4-2002.1. State's attorney fees in counties of  
8 3,000,000 or more population. This Section applies only to  
9 counties with 3,000,000 or more inhabitants.

10 (a) State's attorneys shall be entitled to the ~~the~~  
11 following fees:

12 For each conviction in prosecutions on indictments for  
13 first degree murder, second degree murder, involuntary  
14 manslaughter, criminal sexual assault, aggravated criminal  
15 sexual assault, aggravated criminal sexual abuse, kidnapping,  
16 arson and forgery, \$60. All other cases punishable by  
17 imprisonment in the penitentiary, \$60.

18 For each conviction in other cases tried before judges of  
19 the circuit court, \$30; except that if the conviction is in a  
20 case which may be assigned to an associate judge, whether or  
21 not it is in fact assigned to an associate judge, the fee shall  
22 be \$20.

23 For preliminary examinations for each defendant held to

1 bail or recognizance, \$20.

2 For each examination of a party bound over to keep the  
3 peace, \$20.

4 For each defendant held to answer in a circuit court on a  
5 charge of paternity, \$20.

6 For each trial on a charge of paternity, \$60.

7 For each case of appeal taken from his county or from the  
8 county to which a change of venue is taken to his county to the  
9 Supreme or Appellate Court when prosecuted or defended by him,  
10 \$100.

11 For each day actually employed in the trial of a case, \$50;  
12 in which case the court before whom the case is tried shall  
13 make an order specifying the number of days for which a per  
14 diem shall be allowed.

15 For each day actually employed in the trial of cases of  
16 felony arising in their respective counties and taken by change  
17 of venue to another county, \$50; and the court before whom the  
18 case is tried shall make an order specifying the number of days  
19 for which said per diem shall be allowed; and it is hereby made  
20 the duty of each State's attorney to prepare and try each case  
21 of felony arising when so taken by change of venue.

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

1 cause is taken by change of venue to assist in the trial  
2 thereof.

3 For each case of forfeited recognizance where the  
4 forfeiture is set aside at the instance of the defense, in  
5 addition to the ordinary costs, \$20 for each defendant.

6 For each proceeding in a circuit court to inquire into the  
7 alleged mental illness of any person, \$20 for each defendant.

8 For each proceeding in a circuit court to inquire into the  
9 alleged dependency or delinquency of any child, \$20.

10 For each day actually employed in the hearing of a case of  
11 habeas corpus in which the people are interested, \$50.

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

20 Ten per cent of all moneys except revenue, collected by  
21 them and paid over to the authorities entitled thereto, which  
22 per cent together with the fees provided for herein that are  
23 not collected from the parties tried or examined, shall be paid  
24 out of any fines and forfeited recognizances collected by them,  
25 provided however, that in proceedings to foreclose the lien of  
26 delinquent real estate taxes State's attorneys shall receive a

1 fee, to be credited to the earnings of their office, of 10% of  
2 the total amount realized from the sale of real estate sold in  
3 such proceedings. Such fees shall be paid from the total amount  
4 realized from the sale of the real estate sold in such  
5 proceedings.

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

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

13 The Circuit Court may direct that of all monies received,  
14 by restitution or otherwise, which monies are ordered paid to  
15 the Department of Healthcare and Family Services (formerly  
16 Department of Public Aid) or the Department of Human Services  
17 (acting as successor to the Department of Public Aid under the  
18 Department of Human Services Act) as a direct result of the  
19 efforts of the State's attorney and which payments arise from  
20 Civil or Criminal prosecutions involving the Illinois Public  
21 Aid Code or the Criminal Code, the following amounts shall be  
22 paid quarterly by the Department of Healthcare and Family  
23 Services or the Department of Human Services to the General  
24 Corporate Fund of the County in which the prosecution or cause  
25 of action took place:

26 (1) where the monies result from child support

1 obligations, not less than 25% of the federal share of the  
2 monies received,

3 (2) where the monies result from other than child  
4 support obligations, not less than 25% of the State's share  
5 of the monies received.

6 (b) A municipality shall be entitled to a \$10 prosecution  
7 fee for each conviction for a violation of the Illinois Vehicle  
8 Code prosecuted by the municipal attorney pursuant to Section  
9 16-102 of that Code which is tried before a circuit or  
10 associate judge and shall be entitled to a \$10 prosecution fee  
11 for each conviction for a violation of a municipal vehicle  
12 ordinance prosecuted by the municipal attorney which is tried  
13 before a circuit or associate judge. Such fee shall be taxed as  
14 costs to be collected from the defendant, if possible, upon  
15 conviction. A municipality shall have a lien for such  
16 prosecution fees on all judgments or fines procured by the  
17 municipal attorney from prosecutions for violations of the  
18 Illinois Vehicle Code and municipal vehicle ordinances.

19 For the purposes of this subsection (b), "municipal vehicle  
20 ordinance" means any ordinance enacted pursuant to Sections  
21 11-40-1, 11-40-2, 11-40-2a and 11-40-3 of the Illinois  
22 Municipal Code or any ordinance enacted by a municipality which  
23 is similar to a provision of Chapter 11 of the Illinois Vehicle  
24 Code.

25 (Source: P.A. 95-331, eff. 8-21-07.)