



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5295

Introduced 2/3/2010, by Rep. William B. Black

SYNOPSIS AS INTRODUCED:

55 ILCS 5/4-2002	from Ch. 34, par. 4-2002
55 ILCS 5/4-2002.1	from Ch. 34, par. 4-2002.1

Amends the Counties Code. Provides that, in counties under 3,000,000 population, a municipality is entitled to a \$25 fee (now \$10) for each conviction for a violation of the Illinois Vehicle Code or a municipal vehicle ordinance prosecuted by the municipal attorney. In counties of 3,000,000 or more population, a municipality is entitled to a \$25 fee (now \$10) for each conviction for a violation of the Illinois Vehicle Code or a municipal vehicle ordinance prosecuted by the municipal attorney. Effective immediately.

LRB096 16248 RLJ 31504 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 4-2002 and 4-2002.1 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 or the Department of Human Services to the General
4 Corporate Fund of the County in which the prosecution or cause
5 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 In addition to any other amounts to which State's Attorneys
13 are entitled under this Section, State's Attorneys are entitled
14 to \$10 of the fine that is imposed under Section 5-9-1.17 of
15 the Unified Code of Corrections, as set forth in that Section.

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

1 judgments or fines procured by the municipal attorney from
2 prosecutions for violations of the Illinois Vehicle Code and
3 municipal vehicle ordinances or nontraffic ordinances.

4 For the purposes of this subsection (b), "municipal vehicle
5 ordinance" means any ordinance enacted pursuant to Sections
6 11-40-1, 11-40-2, 11-40-2a and 11-40-3 of the Illinois
7 Municipal Code or any ordinance enacted by a municipality which
8 is similar to a provision of Chapter 11 of the Illinois Vehicle
9 Code.

10 (Source: P.A. 95-331, eff. 8-21-07; 95-385, eff. 1-1-08;
11 96-707, eff. 1-1-10.)

12 (55 ILCS 5/4-2002.1) (from Ch. 34, par. 4-2002.1)

13 Sec. 4-2002.1. State's attorney fees in counties of
14 3,000,000 or more population. This Section applies only to
15 counties with 3,000,000 or more inhabitants.

16 (a) State's attorneys shall be entitled to the following
17 fees:

18 For each conviction in prosecutions on indictments for
19 first degree murder, second degree murder, involuntary
20 manslaughter, criminal sexual assault, aggravated criminal
21 sexual assault, aggravated criminal sexual abuse, kidnapping,
22 arson and forgery, \$60. All other cases punishable by
23 imprisonment in the penitentiary, \$60.

24 For each conviction in other cases tried before judges of
25 the circuit court, \$30; except that if the conviction is in a

1 case which may be assigned to an associate judge, whether or
2 not it is in fact assigned to an associate judge, the fee shall
3 be \$20.

4 For preliminary examinations for each defendant held to
5 bail or recognizance, \$20.

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

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

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

11 For each case of appeal taken from his county or from the
12 county to which a change of venue is taken to his county to the
13 Supreme or Appellate Court when prosecuted or defended by him,
14 \$100.

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

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

26 For assisting in a trial of each case on an indictment for

1 felony brought by change of venue to their respective counties,
2 the same fees they would be entitled to if such indictment had
3 been found for an offense committed in his county, and it shall
4 be the duty of the State's attorney of the county to which such
5 cause is taken by change of venue to assist in the trial
6 thereof.

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

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

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

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

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

24 Ten per cent of all moneys except revenue, collected by
25 them and paid over to the authorities entitled thereto, which
26 per cent together with the fees provided for herein that are

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

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

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

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

1 Services or the Department of Human Services to the General
2 Corporate Fund of the County in which the prosecution or cause
3 of action took place:

4 (1) where the monies result from child support
5 obligations, not less than 25% of the federal share of the
6 monies received,

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

10 In addition to any other amounts to which State's Attorneys
11 are entitled under this Section, State's Attorneys are entitled
12 to \$10 of the fine that is imposed under Section 5-9-1.17 of
13 the Unified Code of Corrections, as set forth in that Section.

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

1 ordinances.

2 For the purposes of this subsection (b), "municipal vehicle
3 ordinance" means any ordinance enacted pursuant to Sections
4 11-40-1, 11-40-2, 11-40-2a, and 11-40-3 of the Illinois
5 Municipal Code or any ordinance enacted by a municipality which
6 is similar to a provision of Chapter 11 of the Illinois Vehicle
7 Code.

8 (Source: P.A. 95-331, eff. 8-21-07; 96-707, eff. 1-1-10.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.