



## 97TH GENERAL ASSEMBLY

### State of Illinois

### 2011 and 2012

### HB1532

Introduced 2/15/2011, by Rep. Patrick J. Verschoore

#### SYNOPSIS AS INTRODUCED:

705 ILCS 105/27.3a	from Ch. 25, par. 27.3a
705 ILCS 105/27.3c	from Ch. 25, par. 27.3c
705 ILCS 105/27.3d	
730 ILCS 110/15.1	from Ch. 38, par. 204-7.1

Amends the Clerks of Courts Act and the Probation and Probation Officers Act. Provides that all amounts over \$250,000 on November 30th of each year in the court automation fund, the Court Document Fee Fund, the Circuit Court Clerk Operation and Administrative Fund, and the Probation and Court Services Fund are to be turned over to the county treasurer for deposit in the county's general fund to offset departmental related expenses. Should the need arise to complete a project that will require more than the \$250,000 limit, an agreement may be entered into among the circuit clerk, the chief judge of the circuit, and the county board chairperson to allow for a larger sum to be retained in the fund.

LRB097 06704 AJO 46791 b

1 AN ACT concerning courts.

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 Sections 27.3a, 27.3c, and 27.3d as follows:

6 (705 ILCS 105/27.3a) (from Ch. 25, par. 27.3a)

7 Sec. 27.3a. Fees for automated record keeping and State  
8 Police operations.

9 1. The expense of establishing and maintaining automated  
10 record keeping systems in the offices of the clerks of the  
11 circuit court shall be borne by the county. To defray such  
12 expense in any county having established such an automated  
13 system or which elects to establish such a system, the county  
14 board may require the clerk of the circuit court in their  
15 county to charge and collect a court automation fee of not less  
16 than \$1 nor more than \$15 to be charged and collected by the  
17 clerk of the court. Such fee shall be paid at the time of  
18 filing the first pleading, paper or other appearance filed by  
19 each party in all civil cases or by the defendant in any  
20 felony, traffic, misdemeanor, municipal ordinance, or  
21 conservation case upon a judgment of guilty or grant of  
22 supervision, provided that the record keeping system which  
23 processes the case category for which the fee is charged is

1 automated or has been approved for automation by the county  
2 board, and provided further that no additional fee shall be  
3 required if more than one party is presented in a single  
4 pleading, paper or other appearance. Such fee shall be  
5 collected in the manner in which all other fees or costs are  
6 collected.

7 1.5. Starting on the effective date of this amendatory Act  
8 of the 96th General Assembly, a clerk of the circuit court in  
9 any county that imposes a fee pursuant to subsection 1 of this  
10 Section, shall charge and collect an additional fee in an  
11 amount equal to the amount of the fee imposed pursuant to  
12 subsection 1 of this Section. This additional fee shall be paid  
13 by the defendant in any felony, traffic, misdemeanor, local  
14 ordinance, or conservation case upon a judgment of guilty or  
15 grant of supervision.

16 2. With respect to the fee imposed under subsection 1 of  
17 this Section, each clerk shall commence such charges and  
18 collections upon receipt of written notice from the chairman of  
19 the county board together with a certified copy of the board's  
20 resolution, which the clerk shall file of record in his office.

21 3. With respect to the fee imposed under subsection 1 of  
22 this Section, such fees shall be in addition to all other fees  
23 and charges of such clerks, and assessable as costs, and may be  
24 waived only if the judge specifically provides for the waiver  
25 of the court automation fee. The fees shall be remitted monthly  
26 by such clerk to the county treasurer, to be retained by him in

1 a special fund designated as the court automation fund,  
2 provided that all amounts over \$250,000 on November 30th of  
3 each year are to be turned over to the county treasurer for  
4 deposit in the county's general fund to offset departmental  
5 related expenses. Should the need arise to complete a project  
6 that will require more than the \$250,000 limit, an agreement  
7 may be entered into among the circuit clerk, the chief judge of  
8 the circuit, and the county board chairperson to allow for a  
9 larger sum to be retained in the fund. The fund shall be  
10 audited by the county auditor, and the board shall make  
11 expenditure from the fund in payment of any cost related to the  
12 automation of court records, including hardware, software,  
13 research and development costs and personnel related thereto,  
14 provided that the expenditure is approved by the clerk of the  
15 court and by the chief judge of the circuit court or his  
16 designate.

17 4. With respect to the fee imposed under subsection 1 of  
18 this Section, such fees shall not be charged in any matter  
19 coming to any such clerk on change of venue, nor in any  
20 proceeding to review the decision of any administrative  
21 officer, agency or body.

22 5. With respect to the additional fee imposed under  
23 subsection 1.5 of this Section, the fee shall be remitted by  
24 the circuit clerk to the State Treasurer within one month after  
25 receipt for deposit into the State Police Operations Assistance  
26 Fund.

1 (Source: P.A. 96-1029, eff. 7-13-10.)

2 (705 ILCS 105/27.3c) (from Ch. 25, par. 27.3c)

3 Sec. 27.3c. Document storage system.

4 (a) The expense of establishing and maintaining a document  
5 storage system in the offices of the circuit court clerks in  
6 the several counties of this State shall be borne by the  
7 county. To defray the expense in any county that elects to  
8 establish a document storage system and convert the records of  
9 the circuit court clerk to electronic or micrographic storage,  
10 the county board may require the clerk of the circuit court in  
11 its county to collect a court document fee of not less than \$1  
12 nor more than \$15, to be charged and collected by the clerk of  
13 the court. The fee shall be paid at the time of filing the  
14 first pleading, paper, or other appearance filed by each party  
15 in all civil cases or by the defendant in any felony,  
16 misdemeanor, traffic, ordinance, or conservation matter on a  
17 judgment of guilty or grant of supervision, provided that the  
18 document storage system is in place or has been authorized by  
19 the county board and further that no additional fee shall be  
20 required if more than one party is presented in a single  
21 pleading, paper, or other appearance. The fee shall be  
22 collected in the manner in which all other fees or costs are  
23 collected.

24 (b) Each clerk shall commence charges and collections of a  
25 court document fee upon receipt of written notice from the

1 chairman of the county board together with a certified copy of  
2 the board's resolution, which the clerk shall file of record in  
3 his or her office.

4 (c) Court document fees shall be in addition to other fees  
5 and charges of the clerk, shall be assessable as costs, and may  
6 be waived only if the judge specifically provides for the  
7 waiver of the court document storage fee. The fees shall be  
8 remitted monthly by the clerk to the county treasurer, to be  
9 retained by the treasurer in a special fund designated as the  
10 Court Document Storage Fund, provided that all amounts over  
11 \$250,000 on November 30th of each year are to be turned over to  
12 the county treasurer for deposit in the county's general fund  
13 to offset departmental related expenses. Should the need arise  
14 to complete a project that will require more than the \$250,000  
15 limit, an agreement may be entered into among the circuit  
16 clerk, the chief judge of the circuit, and the county board  
17 chairperson to allow for a larger sum to be retained in the  
18 fund. The fund shall be audited by the county auditor, and the  
19 board shall make expenditures from the fund in payment of any  
20 costs relative to the storage of court records, including  
21 hardware, software, research and development costs, and  
22 related personnel, provided that the expenditure is approved by  
23 the clerk of the circuit court.

24 (d) A court document fee shall not be charged in any matter  
25 coming to the clerk on change of venue or in any proceeding to  
26 review the decision of any administrative officer, agency, or

1 body.

2 (Source: P.A. 94-596, eff. 1-1-06.)

3 (705 ILCS 105/27.3d)

4 Sec. 27.3d. Circuit Court Clerk Operation and  
5 Administrative Fund. Each Circuit Court Clerk shall create a  
6 Circuit Court Clerk Operation and Administrative Fund, to be  
7 used to offset the costs incurred by the Circuit Court Clerk in  
8 performing the additional duties required to collect and  
9 disburse funds to entities of State and local government as  
10 provided by law. The Circuit Court Clerk shall be the  
11 custodian, *ex officio*, of this Fund and shall use the Fund to  
12 perform the duties required by the office, provided that all  
13 amounts over \$250,000 on November 30th of each year are to be  
14 turned over to the county treasurer for deposit in the county's  
15 general fund to offset departmental related expenses. Should  
16 the need arise to complete a project that will require more  
17 than the \$250,000 limit, an agreement may be entered into among  
18 the circuit clerk, the chief judge of the circuit, and the  
19 county board chairperson to allow for a larger sum to be  
20 retained in the fund. The Fund shall be audited by the auditor  
21 retained by the Clerk for the purpose of conducting the Annual  
22 Circuit Court Clerk Audit. Expenditures shall be made from the  
23 Fund by the Circuit Court Clerk for expenses related to the  
24 cost of collection for and disbursement to entities of State  
25 and local government.

1 (Source: P.A. 94-980, eff. 6-30-06; 94-1009, eff. 1-1-07;  
2 95-331, eff. 8-21-07.)

3 Section 10. The Probation and Probation Officers Act is  
4 amended by changing Section 15.1 as follows:

5 (730 ILCS 110/15.1) (from Ch. 38, par. 204-7.1)

6 Sec. 15.1. Probation and Court Services Fund.

7 (a) The county treasurer in each county shall establish a  
8 probation and court services fund consisting of fees collected  
9 pursuant to subsection (i) of Section 5-6-3 and subsection (i)  
10 of Section 5-6-3.1 of the Unified Code of Corrections,  
11 subsection (10) of Section 5-615 and subsection (5) of Section  
12 5-715 of the Juvenile Court Act of 1987, and paragraph 14.3 of  
13 subsection (b) of Section 110-10 of the Code of Criminal  
14 Procedure of 1963. The county treasurer shall disburse monies  
15 from the fund only at the direction of the chief judge of the  
16 circuit court in such circuit where the county is located,  
17 provided that all amounts over \$250,000 on November 30th of  
18 each year are to be turned over to the county treasurer for  
19 deposit in the county's general fund to offset departmental  
20 related expenses. Should the need arise to complete a project  
21 that will require more than the \$250,000 limit, an agreement  
22 may be entered into among the circuit clerk, the chief judge of  
23 the circuit, and the county board chairperson to allow for a  
24 larger sum to be retained in the fund. The county treasurer of



1 each county shall, on or before January 10 of each year, submit  
2 an annual report to the Supreme Court.

3 (b) Monies in the probation and court services fund shall  
4 be appropriated by the county board to be used within the  
5 county or jurisdiction where collected in accordance with  
6 policies and guidelines approved by the Supreme Court for the  
7 costs of operating the probation and court services department  
8 or departments; however, except as provided in subparagraph  
9 (g), monies in the probation and court services fund shall not  
10 be used for the payment of salaries of probation and court  
11 services personnel.

12 (c) Monies expended from the probation and court services  
13 fund shall be used to supplement, not supplant, county  
14 appropriations for probation and court services.

15 (d) Interest earned on monies deposited in a probation and  
16 court services fund may be used by the county for its ordinary  
17 and contingent expenditures.

18 (e) The county board may appropriate moneys from the  
19 probation and court services fund, upon the direction of the  
20 chief judge, to support programs that are part of the continuum  
21 of juvenile delinquency intervention programs which are or may  
22 be developed within the county. The grants from the probation  
23 and court services fund shall be for no more than one year and  
24 may be used for any expenses attributable to the program  
25 including administration and oversight of the program by the  
26 probation department.

1           (f) The county board may appropriate moneys from the  
2 probation and court services fund, upon the direction of the  
3 chief judge, to support practices endorsed or required under  
4 the Sex Offender Management Board Act, including but not  
5 limited to sex offender evaluation, treatment, and monitoring  
6 programs that are or may be developed within the county.

7           (g) For the State Fiscal Years 2005, 2006, and 2007 only,  
8 the Administrative Office of the Illinois Courts may permit a  
9 county or circuit to use its probation and court services fund  
10 for the payment of salaries of probation officers and other  
11 court services personnel whose salaries are reimbursed under  
12 this Act if the State's FY2005, FY2006, or FY2007 appropriation  
13 to the Supreme Court for reimbursement to counties for  
14 probation salaries and services is less than the amount  
15 appropriated to the Supreme Court for these purposes for State  
16 Fiscal Year 2004. The Administrative Office of the Illinois  
17 Courts shall take into account each county's or circuit's  
18 probation fee collections and expenditures when apportioning  
19 the total reimbursement for each county or circuit.

20           (h) The Administrative Office of the Illinois Courts may  
21 permit a county or circuit to use its probation and court  
22 services fund for the payment of salaries of probation officers  
23 and other court services personnel whose salaries are  
24 reimbursed under this Act in any State fiscal year that the  
25 appropriation for reimbursement to counties for probation  
26 salaries and services is less than the amount appropriated to

1 the Supreme Court for these purposes for State Fiscal Year  
2 2002. The Administrative Office of the Illinois Courts shall  
3 take into account each county's or circuit's probation fee  
4 collections and expenditures when appropriating the total  
5 reimbursement for each county or circuit. Any amount  
6 appropriated to the Supreme Court in any State fiscal year for  
7 the purpose of reimbursing Cook County for the salaries and  
8 operations of the Cook County Juvenile Temporary Detention  
9 Center shall not be counted in the total appropriation to the  
10 Supreme Court in that State fiscal year for reimbursement to  
11 counties for probation salaries and services, for the purposes  
12 of this paragraph (h).

13 (Source: P.A. 94-91, eff. 7-1-05; 94-839, eff. 6-6-06; 95-707,  
14 eff. 1-11-08.)