



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB3346

Introduced 2/24/2011, by Rep. Lisa M. Dugan

SYNOPSIS AS INTRODUCED:

30 ILCS 105/5.786 new

30 ILCS 105/6z-87 new

705 ILCS 105/27.3a

from Ch. 25, par. 27.3a

Amends the State Finance Act. Creates the Illinois Law Enforcement Alarm Systems Fund in the State treasury for use for support in law enforcement, airborne, and terrorism operations. Amends the Clerks of Courts Act. Increases the fee that the county board may authorize the circuit clerk to collect for automated record keeping to not less than \$10 (rather than \$1) and not more than \$15. Provides that the additional fee paid by a defendant in any felony, traffic, misdemeanor, local ordinance, or conservation case upon a judgment of guilty or grant of supervision shall be deposited into the Illinois Law Enforcement Alarm Systems Fund rather than the State Police Operations Assistance Fund. Provides that \$5 of the fine shall be deposited into the Circuit Court Clerk Operation and Administrative Fund created by the Clerk of the Circuit Court to be used to offset the costs incurred by the Circuit Court Clerk in performing the additional duties required to collect and disburse funds as provided by law. Provides that the remainder of each additional fine shall be remitted by the Circuit Court Clerk within one month after receipt to the State Treasurer for deposit into the Illinois Law Enforcement Alarm Systems Fund in the State treasury and, pursuant to appropriation, transferred to the Illinois Law Enforcement Alarm Systems Fund quarterly by the State Treasurer. Effective immediately.

LRB097 10888 KMW 51414 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning finance.

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

4 Section 5. The State Finance Act is amended by adding
5 Sections 5.786 and 6z-87 as follows:

6 (30 ILCS 105/5.786 new)

7 Sec. 5.786. The Illinois Law Enforcement Alarm Systems
8 Fund.

9 (30 ILCS 105/6z-87 new)

10 Sec. 6z-87. Illinois Law Enforcement Alarm Systems Fund.

11 (a) There is created in the State treasury a special fund
12 known as the Illinois Law Enforcement Alarm Systems (ILEAS)
13 Fund. The Fund shall receive revenue pursuant to Section 27.3a
14 of the Clerks of Courts Act. The Fund may also receive revenue
15 from grants, donations, appropriations, and any other legal
16 source.

17 (b) Moneys in the Fund may be used to finance support for
18 law enforcement, airborne, and terrorism operations as
19 approved by the ILEAS Executive Board with 33.3% of the revenue
20 used for air support programs.

21 (c) Expenditures may be made from the Fund only as
22 appropriated by the General Assembly by law.

1 (d) Investment income that is attributable to the
2 investment of moneys in the Fund shall be retained in the Fund
3 for the uses specified in this Section.

4 (e) The Illinois Law Enforcement Alarm Systems Fund shall
5 not be subject to administrative chargebacks.

6 Section 10. The Clerks of Courts Act is amended by changing
7 Section 27.3a as follows:

8 (705 ILCS 105/27.3a) (from Ch. 25, par. 27.3a)

9 Sec. 27.3a. Fees for automated record keeping and law
10 enforcement ~~State Police~~ operations.

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

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

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

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

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

1 by such clerk to the county treasurer, to be retained by him in
2 a special fund designated as the court automation fund. The
3 fund shall be audited by the county auditor, and the board
4 shall make expenditure from the fund in payment of any cost
5 related to the automation of court records, including hardware,
6 software, research and development costs and personnel related
7 thereto, provided that the expenditure is approved by the clerk
8 of the court and by the chief judge of the circuit court or his
9 designate.

10 4. With respect to the fee imposed under subsection 1 of
11 this Section, such fees shall not be charged in any matter
12 coming to any such clerk on change of venue, nor in any
13 proceeding to review the decision of any administrative
14 officer, agency or body.

15 5. With respect to the additional fee imposed under
16 subsection 1.5 of this Section, the fee shall be remitted by
17 the circuit clerk to the State Treasurer within one month after
18 receipt for deposit into the Illinois Law Enforcement Alarm
19 Systems Fund ~~State Police Operations Assistance Fund~~. Of this
20 fee, \$5 shall be deposited into the Circuit Court Clerk
21 Operation and Administrative Fund created by the Clerk of the
22 Circuit Court to be used to offset the costs incurred by the
23 Circuit Court Clerk in performing the additional duties
24 required to collect and disburse funds as provided by law. The
25 remainder of each such additional fine shall be remitted by the
26 Circuit Court Clerk within one month after receipt to the State

1 Treasurer for deposit into the Illinois Law Enforcement Alarm
2 Systems Fund in the State treasury and, pursuant to
3 appropriation, transferred to the Illinois Law Enforcement
4 Alarm Systems Fund quarterly by the State Treasurer.

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

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.