

HB4387



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB4387

Introduced 1/30/2012, by Rep. Michael J. Madigan

SYNOPSIS AS INTRODUCED:

705 ILCS 105/27.2a

from Ch. 25, par. 27.2a

Amends the Clerks of Courts Act. Makes a technical change in a Section concerning fees in counties of 3,000,000 or more.

LRB097 15379 AJO 60479 b

A BILL FOR

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 Section 27.2a as follows:

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

7 Sec. 27.2a. ~~The~~ The fees of the clerks of the circuit court
8 in 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 \$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 \$22.

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

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

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

4 (D) When that amount exceeds \$2500 but does not
5 exceed \$5000, a minimum of \$100 and a maximum of \$130.

6 (E) When that amount exceeds \$5000 but does not
7 exceed \$15,000, \$150.

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

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

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

26 (b) Forcible Entry and Detainer.

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

9 (c) Counterclaim or Joining Third Party Defendant.

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

19 (d) Confession of Judgment.

20 In a confession of judgment when the amount does not
21 exceed \$1500, a minimum of \$60 and a maximum of \$70. When
22 the amount exceeds \$1500, but does not exceed \$5000, a
23 minimum of \$75 and a maximum of \$150. When the amount
24 exceeds \$5000, but does not exceed \$15,000, a minimum of
25 \$175 and a maximum of \$260. When the amount exceeds
26 \$15,000, a minimum of \$250 and a maximum of \$310.

1 (e) Appearance.

2 The fee for filing an appearance in each civil case
3 shall be a minimum of \$75 and a maximum of \$110, except as
4 follows:

5 (A) When the plaintiff in a forcible entry and
6 detainer case seeks possession only, a minimum of \$40
7 and a maximum of \$80.

8 (B) When the amount in the case does not exceed
9 \$1500, a minimum of \$40 and a maximum of \$80.

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

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

13 In garnishment affidavit, wage deduction affidavit,
14 and citation petition when the amount does not exceed
15 \$1,000, a minimum of \$15 and a maximum of \$25; when the
16 amount exceeds \$1,000 but does not exceed \$5,000, a minimum
17 of \$30 and a maximum of \$45; and when the amount exceeds
18 \$5,000, a minimum of \$50 and a maximum of \$80.

19 (g) Petition to Vacate or Modify.

20 (1) Petition to vacate or modify any final judgment or
21 order of court, except in forcible entry and detainer cases
22 and small claims cases or a petition to reopen an estate,
23 to modify, terminate, or enforce a judgment or order for
24 child or spousal support, or to modify, suspend, or
25 terminate an order for withholding, if filed before 30 days
26 after the entry of the judgment or order, a minimum of \$50

1 and a maximum of \$60.

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

8 (3) Petition to vacate order of bond forfeiture, a
9 minimum of \$40 and a maximum of \$80.

10 (h) Mailing.

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

14 (i) Certified Copies.

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

18 (j) Habeas Corpus.

19 For filing a petition for relief by habeas corpus, a
20 minimum of \$125 and a maximum of \$190.

21 (k) Certification, Authentication, and Reproduction.

22 (1) Each certification or authentication for taking
23 the acknowledgment of a deed or other instrument in writing
24 with the seal of office, a minimum of \$6 and a maximum of
25 \$9.

26 (2) Court appeals when original documents are

1 forwarded, under 100 pages, plus delivery and costs, a
2 minimum of \$75 and a maximum of \$110.

3 (3) Court appeals when original documents are
4 forwarded, over 100 pages, plus delivery and costs, a
5 minimum of \$150 and a maximum of \$185.

6 (4) Court appeals when original documents are
7 forwarded, over 200 pages, an additional fee of a minimum
8 of 25 and a maximum of 30 cents per page.

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

11 (A) First page, \$2.

12 (B) Next 19 pages, 50 cents per page.

13 (C) All remaining pages, 25 cents per page.

14 (l) Remands.

15 In any cases remanded to the Circuit Court from the
16 Supreme Court or the Appellate Court for a new trial, the
17 clerk shall file the remanding order and reinstate the case
18 with either its original number or a new number. The Clerk
19 shall not charge any new or additional fee for the
20 reinstatement. Upon reinstatement the Clerk shall advise
21 the parties of the reinstatement. A party shall have the
22 same right to a jury trial on remand and reinstatement as
23 he or she had before the appeal, and no additional or new
24 fee or charge shall be made for a jury trial after remand.

25 (m) Record Search.

26 For each record search, within a division or municipal

1 district, the clerk shall be entitled to a search fee of a
2 minimum of \$6 and a maximum of \$9 for each year searched.

3 (n) Hard Copy.

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

8 (o) Index Inquiry and Other Records.

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

19 (p) (Blank).

20 (q) Alias Summons.

21 For each alias summons or citation issued by the clerk,
22 a minimum of \$5 and a maximum of \$6.

23 (r) Other Fees.

24 Any fees not covered in this Section shall be set by
25 rule or administrative order of the Circuit Court with the
26 approval of the Administrative Office of the Illinois

1 Courts.

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

12 (s) Jury Services.

13 The clerk shall be entitled to receive, in addition to
14 other fees allowed by law, the sum of a minimum of \$212.50
15 and maximum of \$230, as a fee for the services of a jury in
16 every civil action not quasi-criminal in its nature and not
17 a proceeding for the exercise of the right of eminent
18 domain and in every other action wherein the right of trial
19 by jury is or may be given by law. The jury fee shall be
20 paid by the party demanding a jury at the time of filing
21 the jury demand. If the fee is not paid by either party, no
22 jury shall be called in the action or proceeding, and the
23 same shall be tried by the court without a jury.

24 (t) Voluntary Assignment.

25 For filing each deed of voluntary assignment, a minimum
26 of \$20 and a maximum of \$40; for recording the same, a

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

11 (u) Expungement Petition.

12 The clerk shall be entitled to receive a fee of a
13 minimum of \$60 and a maximum of \$120 for each expungement
14 petition filed and an additional fee of a minimum of \$4 and
15 a maximum of \$8 for each certified copy of an order to
16 expunge arrest records.

17 (v) Probate.

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

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

26 (A) When the value of the real and personal

1 property does not exceed \$15,000, the fee shall be a
2 minimum of \$40 and a maximum of \$65.

3 (B) When (i) proof of heirship alone is made, (ii)
4 a domestic or foreign will is admitted to probate
5 without administration (including proof of heirship),
6 or (iii) letters of office are issued for a particular
7 purpose without administration of the estate, the fee
8 shall be a minimum of \$40 and a maximum of \$65.

9 (2) For administration of the estate of a ward, a
10 minimum of \$75 and a maximum of \$110, plus the fees
11 specified in subsection (v) (3), except:

12 (A) When the value of the real and personal
13 property does not exceed \$15,000, the fee shall be a
14 minimum of \$40 and a maximum of \$65.

15 (B) When (i) letters of office are issued to a
16 guardian of the person or persons, but not of the
17 estate or (ii) letters of office are issued in the
18 estate of a ward without administration of the estate,
19 including filing or joining in the filing of a tax
20 return or releasing a mortgage or consenting to the
21 marriage of the ward, the fee shall be a minimum of \$20
22 and a maximum of \$40.

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

26 (A) For each account (other than one final account)

1 filed in the estate of a decedent, or ward, a minimum
2 of \$25 and a maximum of \$40.

3 (B) For filing a claim in an estate when the amount
4 claimed is \$150 or more but less than \$500, a minimum
5 of \$20 and a maximum of \$40; when the amount claimed is
6 \$500 or more but less than \$10,000, a minimum of \$40
7 and a maximum of \$65; when the amount claimed is
8 \$10,000 or more, a minimum of \$60 and a maximum of \$90;
9 provided that the court in allowing a claim may add to
10 the amount allowed the filing fee paid by the claimant.

11 (C) For filing in an estate a claim, petition, or
12 supplemental proceeding based upon an action seeking
13 equitable relief including the construction or contest
14 of a will, enforcement of a contract to make a will,
15 and proceedings involving testamentary trusts or the
16 appointment of testamentary trustees, a minimum of \$60
17 and a maximum of \$90.

18 (D) For filing in an estate (i) the appearance of
19 any person for the purpose of consent or (ii) the
20 appearance of an executor, administrator,
21 administrator to collect, guardian, guardian ad litem,
22 or special administrator, no fee.

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

26 (F) For each jury demand, a minimum of \$137.50 and

1 a maximum of \$180.

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

12 (H) For each certified copy of letters of office,
13 of court order or other certification, a minimum of \$2
14 and a maximum of \$4, plus \$1 per page in excess of 3
15 pages for the document certified.

16 (I) For each exemplification, \$2, plus the fee for
17 certification.

18 (4) The executor, administrator, guardian, petitioner,
19 or other interested person or his or her attorney shall pay
20 the cost of publication by the clerk directly to the
21 newspaper.

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

26 (6) The executor, administrator, guardian, petitioner,

1 or other interested person or his or her attorney shall pay
2 to the clerk all postage charges incurred by the clerk in
3 mailing petitions, orders, notices, or other documents
4 pursuant to the provisions of the Probate Act of 1975.

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

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

9 (A) Felony complaints, a minimum of \$125 and a
10 maximum of \$190.

11 (B) Misdemeanor complaints, a minimum of \$75 and a
12 maximum of \$110.

13 (C) Business offense complaints, a minimum of \$75
14 and a maximum of \$110.

15 (D) Petty offense complaints, a minimum of \$75 and
16 a maximum of \$110.

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

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

19 (G) Motions to vacate or amend final orders, a
20 minimum of \$40 and a maximum of \$80.

21 (H) Motions to vacate bond forfeiture orders, a
22 minimum of \$30 and a maximum of \$45.

23 (I) Motions to vacate ex parte judgments, whenever
24 filed, a minimum of \$30 and a maximum of \$45.

25 (J) Motions to vacate judgment on forfeitures,
26 whenever filed, a minimum of \$25 and a maximum of \$30.

1 (K) Motions to vacate "failure to appear" or
2 "failure to comply" notices sent to the Secretary of
3 State, a minimum of \$40 and a maximum of \$50.

4 (2) In counties having a population of 3,000,000 or
5 more, when the violation complaint is issued by a municipal
6 police department, the clerk shall be entitled to costs
7 from each person convicted therein as follows:

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

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

10 (3) In ordinance violation cases punishable by fine
11 only, the clerk of the circuit court shall be entitled to
12 receive, unless the fee is excused upon a finding by the
13 court that the defendant is indigent, in addition to other
14 fees or costs allowed or imposed by law, the sum of a
15 minimum of \$112.50 and a maximum of \$250 as a fee for the
16 services of a jury. The jury fee shall be paid by the
17 defendant at the time of filing his or her jury demand. If
18 the fee is not so paid by the defendant, no jury shall be
19 called, and the case shall be tried by the court without a
20 jury.

21 (x) Transcripts of Judgment.

22 For the filing of a transcript of judgment, the clerk
23 shall be entitled to the same fee as if it were the
24 commencement of a new suit.

25 (y) Change of Venue.

26 (1) For the filing of a change of case on a change of

1 venue, the clerk shall be entitled to the same fee as if it
2 were the commencement of a new suit.

3 (2) The fee for the preparation and certification of a
4 record on a change of venue to another jurisdiction, when
5 original documents are forwarded, a minimum of \$40 and a
6 maximum of \$65.

7 (z) Tax objection complaints.

8 For each tax objection complaint containing one or more
9 tax objections, regardless of the number of parcels
10 involved or the number of taxpayers joining in the
11 complaint, a minimum of \$50 and a maximum of \$100.

12 (aa) Tax Deeds.

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

15 (2) For each additional parcel, add a fee of a minimum
16 of \$100 and a maximum of \$200.

17 (bb) Collections.

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

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

25 (3) For any check, draft, or other bank instrument
26 returned to the clerk for non-sufficient funds, account

1 closed, or payment stopped, \$25.

2 (4) In child support and maintenance cases, the clerk,
3 if authorized by an ordinance of the county board, may
4 collect an annual fee of up to \$36 from the person making
5 payment for maintaining child support records and the
6 processing of support orders to the State of Illinois KIDS
7 system and the recording of payments issued by the State
8 Disbursement Unit for the official record of the Court.
9 This fee shall be in addition to and separate from amounts
10 ordered to be paid as maintenance or child support and
11 shall be deposited into a Separate Maintenance and Child
12 Support Collection Fund, of which the clerk shall be the
13 custodian, ex-officio, to be used by the clerk to maintain
14 child support orders and record all payments issued by the
15 State Disbursement Unit for the official record of the
16 Court. The clerk may recover from the person making the
17 maintenance or child support payment any additional cost
18 incurred in the collection of this annual fee.

19 The clerk shall also be entitled to a fee of \$5 for
20 certifications made to the Secretary of State as provided
21 in Section 7-703 of the Family Financial Responsibility Law
22 and these fees shall also be deposited into the Separate
23 Maintenance and Child Support Collection Fund.

24 (cc) Corrections of Numbers.

25 For correction of the case number, case title, or
26 attorney computer identification number, if required by

1 rule of court, on any document filed in the clerk's office,
2 to be charged against the party that filed the document, a
3 minimum of \$25 and a maximum of \$40.

4 (dd) Exceptions.

5 (1) The fee requirements of this Section shall not
6 apply to police departments or other law enforcement
7 agencies. In this Section, "law enforcement agency" means
8 an agency of the State or a unit of local government which
9 is vested by law or ordinance with the duty to maintain
10 public order and to enforce criminal laws or ordinances.
11 "Law enforcement agency" also means the Attorney General or
12 any state's attorney.

13 (2) No fee provided herein shall be charged to any unit
14 of local government or school district. The fee
15 requirements of this Section shall not apply to any action
16 instituted under subsection (b) of Section 11-31-1 of the
17 Illinois Municipal Code by a private owner or tenant of
18 real property within 1200 feet of a dangerous or unsafe
19 building seeking an order compelling the owner or owners of
20 the building to take any of the actions authorized under
21 that subsection.

22 (3) The fee requirements of this Section shall not
23 apply to the filing of any commitment petition or petition
24 for an order authorizing the administration of
25 psychotropic medication or electroconvulsive therapy under
26 the Mental Health and Developmental Disabilities Code.

1 (ee) Adoption.

2 (1) For an adoption \$65

3 (2) Upon good cause shown, the court may waive the
4 adoption filing fee in a special needs adoption. The term
5 "special needs adoption" shall have the meaning ascribed to
6 it by the Illinois Department of Children and Family
7 Services.

8 (ff) Adoption exemptions.

9 No fee other than that set forth in subsection (ee)
10 shall be charged to any person in connection with an
11 adoption proceeding nor may any fee be charged for
12 proceedings for the appointment of a confidential
13 intermediary under the Adoption Act.

14 (gg) Unpaid fees.

15 Unless a court ordered payment schedule is implemented
16 or the fee requirements of this Section are waived pursuant
17 to court order, the clerk of the court may add to any
18 unpaid fees and costs under this Section a delinquency
19 amount equal to 5% of the unpaid fees that remain unpaid
20 after 30 days, 10% of the unpaid fees that remain unpaid
21 after 60 days, and 15% of the unpaid fees that remain
22 unpaid after 90 days. Notice to those parties may be made
23 by signage posting or publication. The additional
24 delinquency amounts collected under this Section shall be
25 used to defray additional administrative costs incurred by
26 the clerk of the circuit court in collecting unpaid fees

1 and costs.

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