



Rep. Kelly M. Cassidy

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09700SB1631ham002

LRB097 08620 RLC 55821 a

1 AMENDMENT TO SENATE BILL 1631

2 AMENDMENT NO. _____. Amend Senate Bill 1631 on page 1, by
3 inserting immediately below line 3 the following:

4 "Section 2. The Clerks of Courts Act is amended by changing
5 Section 27.3a as follows:

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

7 Sec. 27.3a. Fees for automated record keeping, probation
8 and court services operations, and State 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

1 clerk of the court. Such fee shall be paid at the time of
2 filing the first pleading, paper or other appearance filed by
3 each party in all civil cases or by the defendant in any
4 felony, traffic, misdemeanor, municipal ordinance, or
5 conservation case upon a judgment of guilty or grant of
6 supervision, provided that the record keeping system which
7 processes the case category for which the fee is charged is
8 automated or has been approved for automation by the county
9 board, and provided further that no additional fee shall be
10 required if more than one party is presented in a single
11 pleading, paper or other appearance. Such fee shall be
12 collected in the manner in which all other fees or costs are
13 collected.

14 1.1. Starting on the effective date of this amendatory Act
15 of the 97th General Assembly and pursuant to an administrative
16 order from the chief judge of the circuit or the presiding
17 judge of the county authorizing such collection, a clerk of the
18 circuit court in any county that imposes a fee pursuant to
19 subsection 1 of this Section shall also charge and collect an
20 additional \$10 operations fee for probation and court services
21 department operations, except as follows: such \$10 operations
22 fee shall not be charged and collected in cases governed by
23 Supreme Court Rule 529 and the bail amount is \$120 or less.

24 1.2. With respect to the fee imposed and collected under
25 subsection 1.1 of this Section, each clerk shall transfer all
26 fees monthly to the county treasurer for deposit into the

1 probation and court services fund created under Section 15.1 of
2 the Probation and Probation Officers Act.

3 1.5. Starting on the effective date of this amendatory Act
4 of the 96th General Assembly, a clerk of the circuit court in
5 any county that imposes a fee pursuant to subsection 1 of this
6 Section, shall charge and collect an additional fee in an
7 amount equal to the amount of the fee imposed pursuant to
8 subsection 1 of this Section. This additional fee shall be paid
9 by the defendant in any felony, traffic, misdemeanor, local
10 ordinance, or conservation case upon a judgment of guilty or
11 grant of supervision.

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

17 3. With respect to the fee imposed under subsection 1 of
18 this Section, such fees shall be in addition to all other fees
19 and charges of such clerks, and assessable as costs, and may be
20 waived only if the judge specifically provides for the waiver
21 of the court automation fee. The fees shall be remitted monthly
22 by such clerk to the county treasurer, to be retained by him in
23 a special fund designated as the court automation fund. The
24 fund shall be audited by the county auditor, and the board
25 shall make expenditure from the fund in payment of any cost
26 related to the automation of court records, including hardware,

1 software, research and development costs and personnel related
2 thereto, provided that the expenditure is approved by the clerk
3 of the court and by the chief judge of the circuit court or his
4 designate.

5 4. With respect to the fee imposed under subsection 1 of
6 this Section, such fees shall not be charged in any matter
7 coming to any such clerk on change of venue, nor in any
8 proceeding to review the decision of any administrative
9 officer, agency or body.

10 5. With respect to the additional fee imposed under
11 subsection 1.5 of this Section, the fee shall be remitted by
12 the circuit clerk to the State Treasurer within one month after
13 receipt for deposit into the State Police Operations Assistance
14 Fund.

15 (Source: P.A. 96-1029, eff. 7-13-10.)"; and

16 on page 3, line 22, by replacing "2002." with the following:

17 "2002, except that the Administrative Office of the Illinois
18 Courts shall adjust this amount appropriated in 2002 by 3% per
19 year and may continue to permit use of the probation and court
20 services fund for salaries in any State fiscal year where the
21 State reimbursement to counties is regularly delayed more than
22 4 months."