

SB1697



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB1697

Introduced 2/9/2011, by Sen. John J. Millner

SYNOPSIS AS INTRODUCED:

55 ILCS 5/4-2002

from Ch. 34, par. 4-2002

Amends the Counties Code. Provides that State's Attorneys shall be entitled to a \$2 fee paid by the defendant on a judgment of guilty or grant of supervision for any violation of the Illinois Vehicle Code, as well as any felony, misdemeanor, or petty offense. Provides that the fees shall be used by the State's Attorney's office to establish and maintain automated record keeping systems, and requires that the fees be remitted to the county treasurer to deposit into a special fund.

LRB097 05391 KMW 45449 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 Section
5 4-2002 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 State's attorneys shall be entitled to a \$2 fee to be paid
19 by the defendant on a judgment of guilty or a grant of
20 supervision for a violation of any provision of the Illinois
21 Vehicle Code or any felony, misdemeanor, or petty offense to
22 discharge the expenses of the State's Attorney's office for
23 establishing and maintaining automated record keeping systems.
24 The fee shall be remitted monthly to the county treasurer, to
25 be deposited by him or her into a special fund designated as
26 the State's Attorney Records Automation Fund. Expenditures

1 from this fund may be made by the State's Attorney for
2 hardware, software, research, and development costs and
3 personnel related thereto.

4 All the foregoing fees shall be taxed as costs to be
5 collected from the defendant, if possible, upon conviction. But
6 in cases of inquiry into the mental illness of any person
7 alleged to be mentally ill, in cases on a charge of paternity
8 and in cases of appeal in the Supreme or Appellate Court, where
9 judgment is in favor of the accused, the fees allowed the
10 State's attorney therein shall be retained out of the fines and
11 forfeitures collected by them in other cases.

12 Ten per cent of all moneys except revenue, collected by
13 them and paid over to the authorities entitled thereto, which
14 per cent together with the fees provided for herein that are
15 not collected from the parties tried or examined, shall be paid
16 out of any fines and forfeited recognizances collected by them,
17 provided however, that in proceedings to foreclose the lien of
18 delinquent real estate taxes State's attorneys shall receive a
19 fee, to be credited to the earnings of their office, of 10% of
20 the total amount realized from the sale of real estate sold in
21 such proceedings. Such fees shall be paid from the total amount
22 realized from the sale of the real estate sold in such
23 proceedings.

24 State's attorneys shall have a lien for their fees on all
25 judgments for fines or forfeitures procured by them and on
26 moneys except revenue received by them until such fees and

1 earnings are fully paid.

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

5 The Circuit Court may direct that of all monies received,
6 by restitution or otherwise, which monies are ordered paid to
7 the Department of Healthcare and Family Services (formerly
8 Department of Public Aid) or the Department of Human Services
9 (acting as successor to the Department of Public Aid under the
10 Department of Human Services Act) as a direct result of the
11 efforts of the State's attorney and which payments arise from
12 Civil or Criminal prosecutions involving the Illinois Public
13 Aid Code or the Criminal Code, the following amounts shall be
14 paid quarterly by the Department of Healthcare and Family
15 Services or the Department of Human Services to the General
16 Corporate Fund of the County in which the prosecution or cause
17 of action took place:

18 (1) where the monies result from child support
19 obligations, not more than 25% of the federal share of the
20 monies received,

21 (2) where the monies result from other than child
22 support obligations, not more than 25% of the State's share
23 of the monies received.

24 In addition to any other amounts to which State's Attorneys
25 are entitled under this Section, State's Attorneys are entitled
26 to \$10 of the fine that is imposed under Section 5-9-1.17 of

1 the Unified Code of Corrections, as set forth in that Section.

2 (b) A municipality shall be entitled to a \$25 prosecution
3 fee for each conviction for a violation of the Illinois Vehicle
4 Code prosecuted by the municipal attorney pursuant to Section
5 16-102 of that Code which is tried before a circuit or
6 associate judge and shall be entitled to a \$25 prosecution fee
7 for each conviction for a violation of a municipal vehicle
8 ordinance or nontraffic ordinance prosecuted by the municipal
9 attorney which is tried before a circuit or associate judge.
10 Such fee shall be taxed as costs to be collected from the
11 defendant, if possible, upon conviction. A municipality shall
12 have a lien for such prosecution fees on all judgments or fines
13 procured by the municipal attorney from prosecutions for
14 violations of the Illinois Vehicle Code and municipal vehicle
15 ordinances or nontraffic ordinances.

16 For the purposes of this subsection (b), "municipal vehicle
17 ordinance" means any ordinance enacted pursuant to Sections
18 11-40-1, 11-40-2, 11-40-2a and 11-40-3 of the Illinois
19 Municipal Code or any ordinance enacted by a municipality which
20 is similar to a provision of Chapter 11 of the Illinois Vehicle
21 Code.

22 (Source: P.A. 95-331, eff. 8-21-07; 95-385, eff. 1-1-08;
23 96-707, eff. 1-1-10; 96-1186, eff. 7-22-10.)