

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
5 Sections 4-2002 and 4-2002.1 and by adding Section 3-4012 as
6 follows:

7 (55 ILCS 5/3-4012 new)

8 Sec. 3-4012. Public defender's fees in counties of
9 3,000,000 or more population. The Cook County Public Defender
10 shall be entitled to a \$2 fee to be paid by the defendant on a
11 judgment of guilty or a grant of supervision for a violation of
12 any provision of the Illinois Vehicle Code or any felony,
13 misdemeanor, or petty offense to discharge the expenses of the
14 Cook County Public Defender's office for establishing and
15 maintaining automated record keeping systems. The fee shall be
16 remitted monthly to the county treasurer, to be deposited by
17 him or her into a special fund designated as the Public
18 Defender Records Automation Fund. Expenditures from this fund
19 may be made by the Public Defender for hardware, software,
20 research, and development costs and personnel related thereto.

21 (55 ILCS 5/4-2002) (from Ch. 34, par. 4-2002)

22 Sec. 4-2002. State's attorney fees in counties under

1 3,000,000 population. This Section applies only to counties
2 with fewer than 3,000,000 inhabitants.

3 (a) State's attorneys shall be entitled to the following
4 fees, however, the fee requirement of this subsection does not
5 apply to county boards:

6 For each conviction in prosecutions on indictments for
7 first degree murder, second degree murder, involuntary
8 manslaughter, criminal sexual assault, aggravated criminal
9 sexual assault, aggravated criminal sexual abuse, kidnapping,
10 arson and forgery, \$30. All other cases punishable by
11 imprisonment in the penitentiary, \$30.

12 For each conviction in other cases tried before judges of
13 the circuit court, \$15; except that if the conviction is in a
14 case which may be assigned to an associate judge, whether or
15 not it is in fact assigned to an associate judge, the fee shall
16 be \$10.

17 For preliminary examinations for each defendant held to
18 bail or recognizance, \$10.

19 For each examination of a party bound over to keep the
20 peace, \$10.

21 For each defendant held to answer in a circuit court on a
22 charge of paternity, \$10.

23 For each trial on a charge of paternity, \$30.

24 For each case of appeal taken from his county or from the
25 county to which a change of venue is taken to his county to the
26 Supreme or Appellate Court when prosecuted or defended by him,

1 \$50.

2 For each day actually employed in the trial of a case, \$25;
3 in which case the court before whom the case is tried shall
4 make an order specifying the number of days for which a per
5 diem shall be allowed.

6 For each day actually employed in the trial of cases of
7 felony arising in their respective counties and taken by change
8 of venue to another county, \$25; and the court before whom the
9 case is tried shall make an order specifying the number of days
10 for which said per diem shall be allowed; and it is hereby made
11 the duty of each State's attorney to prepare and try each case
12 of felony arising when so taken by change of venue.

13 For assisting in a trial of each case on an indictment for
14 felony brought by change of venue to their respective counties,
15 the same fees they would be entitled to if such indictment had
16 been found for an offense committed in his county, and it shall
17 be the duty of the State's attorney of the county to which such
18 cause is taken by change of venue to assist in the trial
19 thereof.

20 For each case of forfeited recognizance where the
21 forfeiture is set aside at the instance of the defense, in
22 addition to the ordinary costs, \$10 for each defendant.

23 For each proceeding in a circuit court to inquire into the
24 alleged mental illness of any person, \$10 for each defendant.

25 For each proceeding in a circuit court to inquire into the
26 alleged dependency or delinquency of any child, \$10.

1 For each day actually employed in the hearing of a case of
2 habeas corpus in which the people are interested, \$25.

3 For each violation of the Criminal Code of 1961 and the
4 Illinois Vehicle Code in which a defendant has entered a plea
5 of guilty or a defendant has stipulated to the facts supporting
6 the charge or a finding of guilt and the court has entered an
7 order of supervision, \$10.

8 State's attorneys shall be entitled to a \$2 fee to be paid
9 by the defendant on a judgment of guilty or a grant of
10 supervision for a violation of any provision of the Illinois
11 Vehicle Code or any felony, misdemeanor, or petty offense to
12 discharge the expenses of the State's Attorney's office for
13 establishing and maintaining automated record keeping systems.
14 The fee shall be remitted monthly to the county treasurer, to
15 be deposited by him or her into a special fund designated as
16 the State's Attorney Records Automation Fund. Expenditures
17 from this fund may be made by the State's Attorney for
18 hardware, software, research, and development costs and
19 personnel related thereto.

20 All the foregoing fees shall be taxed as costs to be
21 collected from the defendant, if possible, upon conviction. But
22 in cases of inquiry into the mental illness of any person
23 alleged to be mentally ill, in cases on a charge of paternity
24 and in cases of appeal in the Supreme or Appellate Court, where
25 judgment is in favor of the accused, the fees allowed the
26 State's attorney therein shall be retained out of the fines and

1 forfeitures collected by them in other cases.

2 Ten per cent of all moneys except revenue, collected by
3 them and paid over to the authorities entitled thereto, which
4 per cent together with the fees provided for herein that are
5 not collected from the parties tried or examined, shall be paid
6 out of any fines and forfeited recognizances collected by them,
7 provided however, that in proceedings to foreclose the lien of
8 delinquent real estate taxes State's attorneys shall receive a
9 fee, to be credited to the earnings of their office, of 10% of
10 the total amount realized from the sale of real estate sold in
11 such proceedings. Such fees shall be paid from the total amount
12 realized from the sale of the real estate sold in such
13 proceedings.

14 State's attorneys shall have a lien for their fees on all
15 judgments for fines or forfeitures procured by them and on
16 moneys except revenue received by them until such fees and
17 earnings are fully paid.

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

21 The Circuit Court may direct that of all monies received,
22 by restitution or otherwise, which monies are ordered paid to
23 the Department of Healthcare and Family Services (formerly
24 Department of Public Aid) or the Department of Human Services
25 (acting as successor to the Department of Public Aid under the
26 Department of Human Services Act) as a direct result of the

1 efforts of the State's attorney and which payments arise from
2 Civil or Criminal prosecutions involving the Illinois Public
3 Aid Code or the Criminal Code, the following amounts shall be
4 paid quarterly by the Department of Healthcare and Family
5 Services or the Department of Human Services to the General
6 Corporate Fund of the County in which the prosecution or cause
7 of action took place:

8 (1) where the monies result from child support
9 obligations, not more than 25% of the federal share of the
10 monies received,

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

14 In addition to any other amounts to which State's Attorneys
15 are entitled under this Section, State's Attorneys are entitled
16 to \$10 of the fine that is imposed under Section 5-9-1.17 of
17 the Unified Code of Corrections, as set forth in that Section.

18 (b) A municipality shall be entitled to a \$25 prosecution
19 fee for each conviction for a violation of the Illinois Vehicle
20 Code prosecuted by the municipal attorney pursuant to Section
21 16-102 of that Code which is tried before a circuit or
22 associate judge and shall be entitled to a \$25 prosecution fee
23 for each conviction for a violation of a municipal vehicle
24 ordinance or nontraffic ordinance prosecuted by the municipal
25 attorney which is tried before a circuit or associate judge.
26 Such fee shall be taxed as costs to be collected from the

1 defendant, if possible, upon conviction. A municipality shall
2 have a lien for such prosecution fees on all judgments or fines
3 procured by the municipal attorney from prosecutions for
4 violations of the Illinois Vehicle Code and municipal vehicle
5 ordinances or nontraffic ordinances.

6 For the purposes of this subsection (b), "municipal vehicle
7 ordinance" means any ordinance enacted pursuant to Sections
8 11-40-1, 11-40-2, 11-40-2a and 11-40-3 of the Illinois
9 Municipal Code or any ordinance enacted by a municipality which
10 is similar to a provision of Chapter 11 of the Illinois Vehicle
11 Code.

12 (Source: P.A. 95-331, eff. 8-21-07; 95-385, eff. 1-1-08;
13 96-707, eff. 1-1-10; 96-1186, eff. 7-22-10.)

14 (55 ILCS 5/4-2002.1) (from Ch. 34, par. 4-2002.1)

15 Sec. 4-2002.1. State's attorney fees in counties of
16 3,000,000 or more population. This Section applies only to
17 counties with 3,000,000 or more inhabitants.

18 (a) State's attorneys shall be entitled to the following
19 fees:

20 For each conviction in prosecutions on indictments for
21 first degree murder, second degree murder, involuntary
22 manslaughter, criminal sexual assault, aggravated criminal
23 sexual assault, aggravated criminal sexual abuse, kidnapping,
24 arson and forgery, \$60. All other cases punishable by
25 imprisonment in the penitentiary, \$60.

1 For each conviction in other cases tried before judges of
2 the circuit court, \$30; except that if the conviction is in a
3 case which may be assigned to an associate judge, whether or
4 not it is in fact assigned to an associate judge, the fee shall
5 be \$20.

6 For preliminary examinations for each defendant held to
7 bail or recognizance, \$20.

8 For each examination of a party bound over to keep the
9 peace, \$20.

10 For each defendant held to answer in a circuit court on a
11 charge of paternity, \$20.

12 For each trial on a charge of paternity, \$60.

13 For each case of appeal taken from his county or from the
14 county to which a change of venue is taken to his county to the
15 Supreme or Appellate Court when prosecuted or defended by him,
16 \$100.

17 For each day actually employed in the trial of a case, \$50;
18 in which case the court before whom the case is tried shall
19 make an order specifying the number of days for which a per
20 diem shall be allowed.

21 For each day actually employed in the trial of cases of
22 felony arising in their respective counties and taken by change
23 of venue to another county, \$50; and the court before whom the
24 case is tried shall make an order specifying the number of days
25 for which said per diem shall be allowed; and it is hereby made
26 the duty of each State's attorney to prepare and try each case

1 of felony arising when so taken by change of venue.

2 For assisting in a trial of each case on an indictment for
3 felony brought by change of venue to their respective counties,
4 the same fees they would be entitled to if such indictment had
5 been found for an offense committed in his county, and it shall
6 be the duty of the State's attorney of the county to which such
7 cause is taken by change of venue to assist in the trial
8 thereof.

9 For each case of forfeited recognizance where the
10 forfeiture is set aside at the instance of the defense, in
11 addition to the ordinary costs, \$20 for each defendant.

12 For each proceeding in a circuit court to inquire into the
13 alleged mental illness of any person, \$20 for each defendant.

14 For each proceeding in a circuit court to inquire into the
15 alleged dependency or delinquency of any child, \$20.

16 For each day actually employed in the hearing of a case of
17 habeas corpus in which the people are interested, \$50.

18 All the foregoing fees shall be taxed as costs to be
19 collected from the defendant, if possible, upon conviction. But
20 in cases of inquiry into the mental illness of any person
21 alleged to be mentally ill, in cases on a charge of paternity
22 and in cases of appeal in the Supreme or Appellate Court, where
23 judgment is in favor of the accused, the fees allowed the
24 State's attorney therein shall be retained out of the fines and
25 forfeitures collected by them in other cases.

26 Ten per cent of all moneys except revenue, collected by

1 them and paid over to the authorities entitled thereto, which
2 per cent together with the fees provided for herein that are
3 not collected from the parties tried or examined, shall be paid
4 out of any fines and forfeited recognizances collected by them,
5 provided however, that in proceedings to foreclose the lien of
6 delinquent real estate taxes State's attorneys shall receive a
7 fee, to be credited to the earnings of their office, of 10% of
8 the total amount realized from the sale of real estate sold in
9 such proceedings. Such fees shall be paid from the total amount
10 realized from the sale of the real estate sold in such
11 proceedings.

12 State's attorneys shall have a lien for their fees on all
13 judgments for fines or forfeitures procured by them and on
14 moneys except revenue received by them until such fees and
15 earnings are fully paid.

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

19 The Circuit Court may direct that of all monies received,
20 by restitution or otherwise, which monies are ordered paid to
21 the Department of Healthcare and Family Services (formerly
22 Department of Public Aid) or the Department of Human Services
23 (acting as successor to the Department of Public Aid under the
24 Department of Human Services Act) as a direct result of the
25 efforts of the State's attorney and which payments arise from
26 Civil or Criminal prosecutions involving the Illinois Public

1 Aid Code or the Criminal Code, the following amounts shall be
2 paid quarterly by the Department of Healthcare and Family
3 Services or the Department of Human Services to the General
4 Corporate Fund of the County in which the prosecution or cause
5 of action took place:

6 (1) where the monies result from child support
7 obligations, not less than 25% of the federal share of the
8 monies received,

9 (2) where the monies result from other than child
10 support obligations, not less than 25% of the State's share
11 of the monies received.

12 In addition to any other amounts to which State's Attorneys
13 are entitled under this Section, State's Attorneys are entitled
14 to \$10 of the fine that is imposed under Section 5-9-1.17 of
15 the Unified Code of Corrections, as set forth in that Section.

16 (b) A municipality shall be entitled to a \$25 prosecution
17 fee for each conviction for a violation of the Illinois Vehicle
18 Code prosecuted by the municipal attorney pursuant to Section
19 16-102 of that Code which is tried before a circuit or
20 associate judge and shall be entitled to a \$25 prosecution fee
21 for each conviction for a violation of a municipal vehicle
22 ordinance prosecuted by the municipal attorney which is tried
23 before a circuit or associate judge. Such fee shall be taxed as
24 costs to be collected from the defendant, if possible, upon
25 conviction. A municipality shall have a lien for such
26 prosecution fees on all judgments or fines procured by the

1 municipal attorney from prosecutions for violations of the
2 Illinois Vehicle Code and municipal vehicle ordinances.

3 (c) State's attorneys shall be entitled to a \$2 fee to be
4 paid by the defendant on a judgment of guilty or a grant of
5 supervision for a violation of any provision of the Illinois
6 Vehicle Code or any felony, misdemeanor, or petty offense to
7 discharge the expenses of the State's Attorney's office for
8 establishing and maintaining automated record keeping systems.
9 The fee shall be remitted monthly to the county treasurer, to
10 be deposited by him or her into a special fund designated as
11 the State's Attorney Records Automation Fund. Expenditures
12 from this fund may be made by the State's Attorney for
13 hardware, software, research, and development costs and
14 personnel related thereto.

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

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