



Rep. Constance A. Howard

Filed: 5/19/2011

09700SB1697ham002

LRB097 05391 RLC 55793 a

1 AMENDMENT TO SENATE BILL 1697

2 AMENDMENT NO. _____. Amend Senate Bill 1697 on page 1, by
3 replacing lines 4 through 5 with the following:

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

1 him or her into a special fund designated as the Public
2 Defender Records Automation Fund. Expenditures from this fund
3 may be made by the Public Defender for hardware, software,
4 research, and development costs and personnel related
5 thereto."; and

6 on page 6, immediately below line 23, by inserting the
7 following:

8 "(55 ILCS 5/4-2002.1) (from Ch. 34, par. 4-2002.1)

9 Sec. 4-2002.1. State's attorney fees in counties of
10 3,000,000 or more population. This Section applies only to
11 counties with 3,000,000 or more inhabitants.

12 (a) State's attorneys shall be entitled to the following
13 fees:

14 For each conviction in prosecutions on indictments for
15 first degree murder, second degree murder, involuntary
16 manslaughter, criminal sexual assault, aggravated criminal
17 sexual assault, aggravated criminal sexual abuse, kidnapping,
18 arson and forgery, \$60. All other cases punishable by
19 imprisonment in the penitentiary, \$60.

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

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

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

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

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

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 \$100.

12 For each day actually employed in the trial of a case, \$50;
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, \$50; 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, \$20 for each defendant.

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

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

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

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

21 Ten per cent of all moneys except revenue, collected by
22 them and paid over to the authorities entitled thereto, which
23 per cent together with the fees provided for herein that are
24 not collected from the parties tried or examined, shall be paid
25 out of any fines and forfeited recognizances collected by them,
26 provided however, that in proceedings to foreclose the lien of

1 delinquent real estate taxes State's attorneys shall receive a
2 fee, to be credited to the earnings of their office, of 10% of
3 the total amount realized from the sale of real estate sold in
4 such proceedings. Such fees shall be paid from the total amount
5 realized from the sale of the real estate sold in such
6 proceedings.

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

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

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

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

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

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

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

24 (c) State's attorneys shall be entitled to a \$2 fee to be
25 paid by the defendant on a judgment of guilty or a grant of
26 supervision for a violation of any provision of the Illinois

1 Vehicle Code or any felony, misdemeanor, or petty offense to
2 discharge the expenses of the State's Attorney's office for
3 establishing and maintaining automated record keeping systems.
4 The fee shall be remitted monthly to the county treasurer, to
5 be deposited by him or her into a special fund designated as
6 the State's Attorney Records Automation Fund. Expenditures
7 from this fund may be made by the State's Attorney for
8 hardware, software, research, and development costs and
9 personnel related thereto.

10 For the purposes of this subsection (b), "municipal vehicle
11 ordinance" means any ordinance enacted pursuant to Sections
12 11-40-1, 11-40-2, 11-40-2a, and 11-40-3 of the Illinois
13 Municipal Code or any ordinance enacted by a municipality which
14 is similar to a provision of Chapter 11 of the Illinois Vehicle
15 Code.

16 (Source: P.A. 95-331, eff. 8-21-07; 96-707, eff. 1-1-10;
17 96-1186, eff. 7-22-10.)".