



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB1703

Introduced 2/9/2011, by Sen. Iris Y. Martinez

SYNOPSIS AS INTRODUCED:

30 ILCS 105/5.786 new
30 ILCS 105/6z-87 new
705 ILCS 105/27.3a

from Ch. 25, par. 27.3a

Amends the State Finance Act. Creates the Conservation Police Operations Assistance Fund as a special fund in the State treasury. Provides that the Department of Natural Resources may use moneys in the Fund to support any lawful operations of the Illinois Conservation Police. Amends the Clerks of Courts Act. Provides that a clerk of the circuit court in any county that imposes a fee for automated record keeping shall charge and collect an additional fee in an amount equal to the amount of that fee. Provides that the additional fee shall be paid by the defendant upon a judgment of guilty or grant of supervision for specified offenses. Provides that the additional fee shall be deposited into the Conservation Police Operations Assistance Fund. Effective immediately.

LRB097 05499 RLC 45559 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning fees.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The State Finance Act is amended by adding
5 Sections 5.786 and 6z-87 as follows:

6 (30 ILCS 105/5.786 new)

7 Sec. 5.786. The Conservation Police Operations Assistance
8 Fund.

9 (30 ILCS 105/6z-87 new)

10 Sec. 6z-87. Conservation Police Operations Assistance
11 Fund.

12 (a) There is created in the State treasury a special fund
13 known as the Conservation Police Operations Assistance Fund.
14 The Fund shall receive revenue pursuant to Section 27.3a of the
15 Clerks of Courts Act. The Fund may also receive revenue from
16 grants, donations, appropriations, and any other legal source.

17 (b) The Department of Natural Resources may use moneys in
18 the Fund to support any lawful operations of the Illinois
19 Conservation Police.

20 (c) Expenditures may be made from the Fund only as
21 appropriated by the General Assembly by law.

22 (d) Investment income that is attributable to the

1 investment of moneys in the Fund shall be retained in the Fund
2 for the uses specified in this Section.

3 (e) The Conservation Police Operations Assistance Fund
4 shall not be subject to administrative chargebacks.

5 Section 10. The Clerks of Courts Act is amended by changing
6 Section 27.3a as follows:

7 (705 ILCS 105/27.3a) (from Ch. 25, par. 27.3a)

8 Sec. 27.3a. Fees for automated record keeping and State and
9 Conservation Police operations.

10 1. The expense of establishing and maintaining automated
11 record keeping systems in the offices of the clerks of the
12 circuit court shall be borne by the county. To defray such
13 expense in any county having established such an automated
14 system or which elects to establish such a system, the county
15 board may require the clerk of the circuit court in their
16 county to charge and collect a court automation fee of not less
17 than \$1 nor more than \$15 to be charged and collected by the
18 clerk of the court. Such fee shall be paid at the time of
19 filing the first pleading, paper or other appearance filed by
20 each party in all civil cases or by the defendant in any
21 felony, traffic, misdemeanor, municipal ordinance, or
22 conservation case upon a judgment of guilty or grant of
23 supervision, provided that the record keeping system which
24 processes the case category for which the fee is charged is

1 automated or has been approved for automation by the county
2 board, and provided further that no additional fee shall be
3 required if more than one party is presented in a single
4 pleading, paper or other appearance. Such fee shall be
5 collected in the manner in which all other fees or costs are
6 collected.

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

16 1.6. Starting on the effective date of this amendatory Act
17 of the 97th General Assembly, a clerk of the circuit court in
18 any county that imposes a fee pursuant to subsection 1 of this
19 Section shall charge and collect an additional fee in an amount
20 equal to the amount of the fee imposed pursuant to subsection 1
21 of this Section. This additional fee shall be paid by the
22 defendant upon a judgment of guilty or grant of supervision for
23 a conservation violation under the State Parks Act, the
24 Recreational Trails of Illinois Act, the Illinois Explosives
25 Act, the Timber Buyers Licensing Act, the Forest Products
26 Transportation Act, the Firearm Owners Identification Card

1 Act, the Environmental Protection Act, the Fish and Aquatic
2 Life Code, the Wildlife Code, the Cave Protection Act, the
3 Illinois Exotic Weed Act, the Illinois Forestry Development
4 Act, the Ginseng Harvesting Act, the Illinois Lake Management
5 Program Act, the Illinois Natural Areas Preservation Act, the
6 Illinois Open Land Trust Act, the Open Space Lands Acquisition
7 and Development Act, the Illinois Prescribed Burning Act, the
8 State Forest Act, the Water Use Act of 1983, the Illinois Youth
9 and Young Adult Employment Act of 1986, the Snowmobile
10 Registration and Safety Act, the Boat Registration and Safety
11 Act, the Illinois Dangerous Animals Act, the Hunter and
12 Fishermen Interference Prohibition Act, the Wrongful Tree
13 Cutting Act, or Section 11-1426.1, 11-1426.2, 11-1427,
14 11-1427.1, 11-1427.2, 11-1427.3, 11-1427.4, or 11-1427.5 of
15 the Illinois Vehicle Code, and all future changes to the law
16 affecting the operation of all-terrain vehicles and other
17 off-road vehicles.

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

23 3. With respect to the fee imposed under subsection 1 of
24 this Section, such fees shall be in addition to all other fees
25 and charges of such clerks, and assessable as costs, and may be
26 waived only if the judge specifically provides for the waiver

1 of the court automation fee. The fees shall be remitted monthly
2 by such clerk to the county treasurer, to be retained by him in
3 a special fund designated as the court automation fund. The
4 fund shall be audited by the county auditor, and the board
5 shall make expenditure from the fund in payment of any cost
6 related to the automation of court records, including hardware,
7 software, research and development costs and personnel related
8 thereto, provided that the expenditure is approved by the clerk
9 of the court and by the chief judge of the circuit court or his
10 designate.

11 4. With respect to the fee imposed under subsection 1 of
12 this Section, such fees shall not be charged in any matter
13 coming to any such clerk on change of venue, nor in any
14 proceeding to review the decision of any administrative
15 officer, agency or body.

16 5. With respect to the additional fee imposed under
17 subsection 1.5 of this Section, the fee shall be remitted by
18 the circuit clerk to the State Treasurer within one month after
19 receipt for deposit into the State Police Operations Assistance
20 Fund.

21 6. With respect to the additional fee imposed under
22 subsection 1.6 of this Section, the fee shall be remitted by
23 the circuit clerk to the State Treasurer within one month after
24 receipt for deposit into the Conservation Police Operations
25 Assistance Fund.

26 (Source: P.A. 96-1029, eff. 7-13-10.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.