

SB0049



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB0049

Introduced 1/16/2013, by Sen. Iris Y. Martinez

SYNOPSIS AS INTRODUCED:

705 ILCS 105/27.3a

Amends the Clerks of Courts Act. Provides that certain fees imposed for automated record keeping shall be paid by the defendant upon a judgment of guilty or grant of supervision for a violation (instead of "conservation violation") under certain Acts. Effective immediately.

LRB098 04314 HEP 34342 b

A BILL FOR

1 AN ACT concerning civil law.

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

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

6 (705 ILCS 105/27.3a)

7 Sec. 27.3a. Fees for automated record keeping, probation
8 and court services operations, and State and Conservation
9 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

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

8 1.1. Starting on July 6, 2012 (the effective date of Public
9 Act 97-761) ~~this amendatory Act of the 97th General Assembly~~
10 and pursuant to an administrative order from the chief judge of
11 the circuit or the presiding judge of the county authorizing
12 such collection, a clerk of the circuit court in any county
13 that imposes a fee pursuant to subsection 1 of this Section
14 shall also charge and collect an additional \$10 operations fee
15 for probation and court services department operations.

16 This additional fee shall be paid by the defendant in any
17 felony, traffic, misdemeanor, local ordinance, or conservation
18 case upon a judgment of guilty or grant of supervision, except
19 such \$10 operations fee shall not be charged and collected in
20 cases governed by Supreme Court Rule 529 in which the bail
21 amount is \$120 or less.

22 1.2. With respect to the fee imposed and collected under
23 subsection 1.1 of this Section, each clerk shall transfer all
24 fees monthly to the county treasurer for deposit into the
25 probation and court services fund created under Section 15.1 of
26 the Probation and Probation Officers Act, and such monies shall

1 be disbursed from the fund only at the direction of the chief
2 judge of the circuit or another judge designated by the Chief
3 Circuit Judge in accordance with the policies and guidelines
4 approved by the Supreme Court.

5 1.5. Starting on the effective date of this amendatory Act
6 of the 96th General Assembly, a clerk of the circuit court in
7 any county that imposes a fee pursuant to subsection 1 of this
8 Section, shall charge and collect an additional fee in an
9 amount equal to the amount of the fee imposed pursuant to
10 subsection 1 of this Section. This additional fee shall be paid
11 by the defendant in any felony, traffic, misdemeanor, or local
12 ordinance case upon a judgment of guilty or grant of
13 supervision. This fee shall not be paid by the defendant for
14 any ~~conservation~~ violation listed in subsection 1.6 of this
15 Section.

16 1.6. Starting on July 1, 2012 (the effective date of Public
17 Act 97-46), a clerk of the circuit court in any county that
18 imposes a fee pursuant to subsection 1 of this Section shall
19 charge and collect an additional fee in an amount equal to the
20 amount of the fee imposed pursuant to subsection 1 of this
21 Section. This additional fee shall be paid by the defendant
22 upon a judgment of guilty or grant of supervision for a
23 ~~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
9 Veteran, Youth, and Young Adult Conservation Jobs Act, the
10 Snowmobile Registration and Safety Act, the Boat Registration
11 and Safety Act, the Illinois Dangerous Animals Act, the Hunter
12 and 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, or Section 48-3 or 48-10 of the
16 Criminal Code of 1961.

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

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

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

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

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

20 6. With respect to the additional fees imposed under
21 subsection 1.5 of this Section, the Director of State Police
22 may direct the use of these fees for homeland security purposes
23 by transferring these fees on a quarterly basis from the State
24 Police Operations Assistance Fund into the Illinois Law
25 Enforcement Alarm Systems (ILEAS) Fund for homeland security
26 initiatives programs. The transferred fees shall be allocated,

1 subject to the approval of the ILEAS Executive Board, as
2 follows: (i) 66.6% shall be used for homeland security
3 initiatives and (ii) 33.3% shall be used for airborne
4 operations. The ILEAS Executive Board shall annually supply the
5 Director of State Police with a report of the use of these
6 fees.

7 7. With respect to the additional fee imposed under
8 subsection 1.6 of this Section, the fee shall be remitted by
9 the circuit clerk to the State Treasurer within one month after
10 receipt for deposit into the Conservation Police Operations
11 Assistance Fund.

12 (Source: P.A. 96-1029, eff. 7-13-10; 97-46, eff. 7-1-12;
13 97-453, eff. 8-19-11; 97-738, eff. 7-5-12; 97-761, eff. 7-6-12;
14 97-813, eff. 7-13-12; 97-1108, eff. 1-1-13; revised 9-20-12.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.