

SB2841



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB2841

Introduced 1/30/2014, by Sen. Pamela J. Althoff

SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-43035

Amends the Counties Code. Provides that a default in the payment of a fine or penalty or any installment of a fine or penalty may be collected by any means authorized for the collection of monetary judgments. Allows the state's attorney of the county in which the fine or penalty was imposed to retain attorneys and private collection agents for the purpose of collecting any fine or penalty or installment of a fine or penalty. Provides that any fees incurred with respect to such attorneys or private collection agents shall be charged to the offender.

LRB098 14654 JLK 49489 b

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 5-43035 as follows:

6 (55 ILCS 5/5-43035)

7 Sec. 5-43035. Enforcement of judgment.

8 (a) Any fine, other sanction, or costs imposed, or part of
9 any fine, other sanction, or costs imposed, remaining unpaid
10 after the exhaustion of or the failure to exhaust judicial
11 review procedures under the Illinois Administrative Review Law
12 are a debt due and owing the county and may be collected in
13 accordance with applicable law.

14 (b) After expiration of the period in which judicial review
15 under the Illinois Administrative Review Law may be sought for
16 a final determination of a code violation, unless stayed by a
17 court of competent jurisdiction, the findings, decision, and
18 order of the hearing officer may be enforced in the same manner
19 as a judgment entered by a court of competent jurisdiction.

20 (c) (Blank) ~~In any case in which a defendant has failed to~~
21 ~~comply with a judgment ordering a defendant to correct a code~~
22 ~~violation or imposing any fine or other sanction as a result of~~
23 ~~a code violation, any expenses incurred by a county to enforce~~

1 ~~the judgment, including, but not limited to, attorney's fees,~~
2 ~~court costs, and costs related to property demolition or~~
3 ~~foreclosure, after they are fixed by a court of competent~~
4 ~~jurisdiction or a hearing officer, shall be a debt due and~~
5 ~~owing the county and may be collected in accordance with~~
6 ~~applicable law. Prior to any expenses being fixed by a hearing~~
7 ~~officer pursuant to this subsection (c), the county shall~~
8 ~~provide notice to the defendant that states that the defendant~~
9 ~~shall appear at a hearing before the administrative hearing~~
10 ~~officer to determine whether the defendant has failed to comply~~
11 ~~with the judgment. The notice shall set the date for the~~
12 ~~hearing, which shall not be less than 7 days after the date~~
13 ~~that notice is served. If notice is served by mail, the 7-day~~
14 ~~period shall begin to run on the date that the notice was~~
15 ~~deposited in the mail.~~

16 (c-5) A default in the payment of a fine or penalty or any
17 installment of a fine or penalty may be collected by any means
18 authorized for the collection of monetary judgments. The
19 state's attorney of the county in which the fine or penalty was
20 imposed may retain attorneys and private collection agents for
21 the purpose of collecting any default in payment of any fine or
22 penalty or installment of that fine or penalty. Any fees or
23 costs incurred by the county with respect to attorneys or
24 private collection agents retained by the state's attorney
25 under this Section shall be charged to the offender.

26 (d) Upon being recorded in the manner required by Article

1 XII of the Code of Civil Procedure or by the Uniform Commercial
2 Code, a lien shall be imposed on the real estate or personal
3 estate, or both, of the defendant in the amount of any debt due
4 and owing the county under this Section. The lien may be
5 enforced in the same manner as a judgment lien pursuant to a
6 judgment of a court of competent jurisdiction.

7 (e) A hearing officer may set aside any judgment entered by
8 default and set a new hearing date, upon a petition filed
9 within 21 days after the issuance of the order of default, if
10 the hearing officer determines that the petitioner's failure to
11 appear at the hearing was for good cause or at any time if the
12 petitioner establishes that the county did not provide proper
13 service of process. If any judgment is set aside pursuant to
14 this subsection (e), the hearing officer shall have authority
15 to enter an order extinguishing any lien that has been recorded
16 for any debt due and owing the county as a result of the
17 vacated default judgment.

18 (Source: P.A. 96-1386, eff. 7-29-10.)