



Rep. Emily McAsey

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LRB098 17424 HEP 58893 a

1 AMENDMENT TO SENATE BILL 3022

2 AMENDMENT NO. _____. Amend Senate Bill 3022 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Access to Justice Act is amended by
5 changing Sections 5, 10, 15, 20, and 25 and by adding Section 7
6 as follows:

7 (705 ILCS 95/5)

8 Sec. 5. Findings.

9 (a) The justice system in this State can only function
10 fairly and effectively when there is meaningful access to legal
11 information, resources, and assistance for all litigants,
12 regardless of their income or circumstances.

13 (b) Increasing numbers of people throughout this State,
14 including an increasing number of active duty service members
15 and veterans, are coming into the courts without legal
16 representation for cases involving important legal matters

1 impacting the basics of life such as health, safety, and
2 shelter. In order for the courts to provide fair and efficient
3 administration of justice in these cases, it is critical that
4 people, and active duty service members and veterans in
5 particular, have better access to varying levels of legal
6 assistance appropriate for their individual circumstances, and
7 which will reduce the number of cases the courts must manage
8 and reduce unnecessary backlogs and delays in the court system
9 for the benefit of all litigants.

10 (c) An increasing number of active duty service members and
11 veterans in this State have a need for legal information and
12 assistance in a variety of matters that are often critical to
13 their safety and independence, yet they are often unable to
14 access that assistance. Providing access to legal advice and a
15 referral system of attorneys for veterans and active duty
16 service members, who often have underlying issues relating to
17 their military service, increases the efficiency of the court
18 system and advances access to justice for everyone in this
19 State.

20 (Source: P.A. 98-351, eff. 8-15-13.)

21 (705 ILCS 95/7 new)

22 Sec. 7. Definitions. As used in this Act:

23 (a) "Foundation" means the Illinois Equal Justice
24 Foundation, a not-for-profit corporation created by the
25 Illinois State Bar Association and the Chicago Bar Association

1 and recognized under the Illinois Equal Justice Act.

2 (b) "Illinois Access to Civil Justice Council" or "Council"
3 means a special advisory body created by the Foundation. The
4 Council shall consist of 7 members, appointed as follows: one
5 by the Lawyers Trust Fund of Illinois, one by the Chicago Bar
6 Foundation, one by the Illinois Bar Foundation, one by the
7 Illinois Department of Veterans Affairs, one by the Illinois
8 Attorney General, and 2 by the Foundation or any successor
9 entities or agencies as designated by the Council.

10 (705 ILCS 95/10)

11 Sec. 10. Pilot programs.

12 (a) The Illinois Access to Civil Justice Council shall
13 ~~General Assembly encourages the Supreme Court to~~ develop: (i) a
14 pilot program to create a statewide military personnel and
15 veterans' legal assistance hotline and coordinated network of
16 legal support resources; and (ii) a pilot program to provide
17 court-based legal assistance within a circuit court in each
18 appellate district of this State.

19 (b) The General Assembly recommends that ~~the rules~~
20 ~~developing~~ the pilot programs:

21 (1) provide intake, screening, and varying levels of
22 legal assistance to ensure that the parties served by these
23 programs have meaningful access to justice;

24 (2) gather information on the outcomes associated with
25 providing the services described in paragraph (1) of this

1 subsection; and

2 (3) guard against the involuntary waiver of rights or
3 disposition by default.

4 (Source: P.A. 98-351, eff. 8-15-13.)

5 (705 ILCS 95/15)

6 Sec. 15. Access to Justice Fund.

7 (a) The Access to Justice Fund is created as a special fund
8 in the State treasury. The Fund shall consist of fees collected
9 under Section 27.3g of the Clerks of Courts Act. Subject to
10 appropriation, moneys in the Access to Justice Fund shall be
11 directed to and used by the Foundation ~~Supreme Court~~ for the
12 administration of the pilot programs created under this Act.

13 (b) In accordance with the requirements of the Illinois
14 Equal Justice Act, the Foundation may make grants, enter into
15 contracts, and take other actions recommended by the Council to
16 effectuate the pilot programs and comply with the other
17 requirements of this Act.

18 (c) The Foundation shall annually provide to the Governor
19 and General Assembly a separate, audited accounting of all
20 funds received from the Access to Justice Fund.

21 (d) The Foundation may annually retain a portion of the
22 amounts it receives under this Section to reimburse the
23 Foundation for the actual cost of administering the Council and
24 for making the grants and distributions pursuant to this Act
25 during that year.

1 (e) No moneys distributed from the Access to Justice Fund
2 may be directly or indirectly used for lobbying activities, as
3 defined in Section 2 of the Lobbyist Registration Act or as
4 defined in any ordinance or resolution of a municipality,
5 county, or other unit of local government in Illinois.

6 (Source: P.A. 98-351, eff. 8-15-13.)

7 (705 ILCS 95/20)

8 Sec. 20. Evaluation. The Council ~~Supreme Court~~ shall study
9 the effectiveness of the pilot programs implemented under this
10 Act and submit a report to the Governor and General Assembly by
11 June 1, 2019 ~~2017~~. The report shall include the number of
12 people served in each pilot program and data on the impact of
13 varying levels of legal assistance on access to justice, the
14 effect on fair and efficient court administration, and the
15 impact on government programs and community resources. This
16 report shall describe the benefits of providing legal
17 assistance to those who were previously unrepresented, both for
18 the clients and the courts, and shall describe strategies and
19 recommendations for maximizing the benefit of that
20 representation in the future. The report shall include an
21 assessment of the continuing unmet needs and, if available,
22 data regarding those unmet needs.

23 (Source: P.A. 98-351, eff. 8-15-13.)

24 (705 ILCS 95/25)

1 Sec. 25. Statutory Court Fee Task Force.

2 (a) There is hereby created the Statutory Court Fee Task
3 Force. The purpose of the Task Force is to conduct a thorough
4 review of the various statutory fees imposed or assessed on
5 criminal defendants and civil litigants.

6 (b) The Task Force shall consist of 15 members, appointed
7 as follows: one each by the Speaker of the House of
8 Representatives, the Minority Leader of the House of
9 Representatives, the President of the Senate, and the Minority
10 Leader of the Senate; 2 by the association representing circuit
11 court clerks; 2 by the Governor, and 7 by the Supreme Court.

12 (c) At the direction of the Supreme Court, the
13 Administrative Office of the Illinois Courts shall provide
14 administrative support to the Task Force.

15 (d) The Task Force shall submit a report containing its
16 findings and any recommendations to the Supreme Court and the
17 General Assembly by June 1, 2016 ~~2014~~.

18 (Source: P.A. 98-351, eff. 8-15-13.)

19 Section 10. The Clerks of Courts Act is amended by changing
20 Section 27.3g as follows:

21 (705 ILCS 105/27.3g)

22 (Section scheduled to be repealed on August 15, 2018)

23 Sec. 27.3g. Pilot program; Access to Justice Act.

24 (a) On and after September 1, 2014 ~~If the Supreme Court~~

1 ~~develops a pilot program to provide court-based legal~~
2 ~~assistance in accordance with Section 10 of the Access to~~
3 ~~Justice Act,~~ all clerks of the circuit court shall charge and
4 collect at the time of filing the first pleading, paper, or
5 other appearance filed by each party in all civil cases, in
6 addition to any other fees, a fee of \$10, but no additional fee
7 shall be required if more than one party is represented in a
8 single pleading, paper, or other appearance. Fees received by
9 the clerk of the circuit court under this Section shall be
10 remitted, within one month after receipt, ~~to the Supreme Court~~
11 for deposit into the Access to Justice Fund created under
12 Section 15 of the Access to Justice Act.

13 (b) This Section is repealed on September 1, 2019 ~~5 years~~
14 ~~after the effective date of this amendatory Act of the 98th~~
15 ~~General Assembly.~~

16 (Source: P.A. 98-351, eff. 8-15-13.)

17 Section 99. Effective date. This Act takes effect upon
18 becoming law."