

# HB3724



## 99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB3724

by Rep. David R. Leitch

### SYNOPSIS AS INTRODUCED:

705 ILCS 105/27.1a

from Ch. 25, par. 27.1a

Amends the Clerks of Courts Act. Makes a technical change in a Section concerning fees of the clerks of the circuit court in counties having a population of not more than 500,000 inhabitants.

LRB099 11090 MRW 31499 b

A BILL FOR

1 AN ACT concerning courts.

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 27.1a as follows:

6 (705 ILCS 105/27.1a) (from Ch. 25, par. 27.1a)

7 Sec. 27.1a. The ~~The~~ fees of the clerks of the circuit court  
8 in all counties having a population of not more than 500,000  
9 inhabitants in the instances described in this Section shall be  
10 as provided in this Section. In those instances where a minimum  
11 and maximum fee is stated, the clerk of the circuit court must  
12 charge the minimum fee listed and may charge up to the maximum  
13 fee if the county board has by resolution increased the fee.  
14 The fees shall be paid in advance and shall be as follows:

15 (a) Civil Cases.

16 The fee for filing a complaint, petition, or other  
17 pleading initiating a civil action, with the following  
18 exceptions, shall be a minimum of \$40 and a maximum of  
19 \$160.

20 (A) When the amount of money or damages or the  
21 value of personal property claimed does not exceed  
22 \$250, \$10.

23 (B) When that amount exceeds \$250 but does not

1 exceed \$500, a minimum of \$10 and a maximum of \$20.

2 (C) When that amount exceeds \$500 but does not  
3 exceed \$2500, a minimum of \$25 and a maximum of \$40.

4 (D) When that amount exceeds \$2500 but does not  
5 exceed \$15,000, a minimum of \$25 and a maximum of \$75.

6 (E) For the exercise of eminent domain, a minimum  
7 of \$45 and a maximum of \$150. For each additional lot  
8 or tract of land or right or interest therein subject  
9 to be condemned, the damages in respect to which shall  
10 require separate assessment by a jury, a minimum of \$45  
11 and a maximum of \$150.

12 (a-1) Family.

13 For filing a petition under the Juvenile Court Act of  
14 1987, \$25.

15 For filing a petition for a marriage license, \$10.

16 For performing a marriage in court, \$10.

17 For filing a petition under the Illinois Parentage Act  
18 of 1984, \$40.

19 (b) Forcible Entry and Detainer.

20 In each forcible entry and detainer case when the  
21 plaintiff seeks possession only or unites with his or her  
22 claim for possession of the property a claim for rent or  
23 damages or both in the amount of \$15,000 or less, a minimum  
24 of \$10 and a maximum of \$50. When the plaintiff unites his  
25 or her claim for possession with a claim for rent or  
26 damages or both exceeding \$15,000, a minimum of \$40 and a

1 maximum of \$160.

2 (c) Counterclaim or Joining Third Party Defendant.

3 When any defendant files a counterclaim as part of his  
4 or her answer or otherwise or joins another party as a  
5 third party defendant, or both, the defendant shall pay a  
6 fee for each counterclaim or third party action in an  
7 amount equal to the fee he or she would have had to pay had  
8 he or she brought a separate action for the relief sought  
9 in the counterclaim or against the third party defendant,  
10 less the amount of the appearance fee, if that has been  
11 paid.

12 (d) Confession of Judgment.

13 In a confession of judgment when the amount does not  
14 exceed \$1500, a minimum of \$20 and a maximum of \$50. When  
15 the amount exceeds \$1500, but does not exceed \$15,000, a  
16 minimum of \$40 and a maximum of \$115. When the amount  
17 exceeds \$15,000, a minimum of \$40 and a maximum of \$200.

18 (e) Appearance.

19 The fee for filing an appearance in each civil case  
20 shall be a minimum of \$15 and a maximum of \$60, except as  
21 follows:

22 (A) When the plaintiff in a forcible entry and  
23 detainer case seeks possession only, a minimum of \$10  
24 and a maximum of \$50.

25 (B) When the amount in the case does not exceed  
26 \$1500, a minimum of \$10 and a maximum of \$30.

1 (C) When that amount exceeds \$1500 but does not  
2 exceed \$15,000, a minimum of \$15 and a maximum of \$60.

3 (f) Garnishment, Wage Deduction, and Citation.

4 In garnishment affidavit, wage deduction affidavit,  
5 and citation petition when the amount does not exceed  
6 \$1,000, a minimum of \$5 and a maximum of \$15; when the  
7 amount exceeds \$1,000 but does not exceed \$5,000, a minimum  
8 of \$5 and a maximum of \$30; and when the amount exceeds  
9 \$5,000, a minimum of \$5 and a maximum of \$50.

10 (g) Petition to Vacate or Modify.

11 (1) Petition to vacate or modify any final judgment or  
12 order of court, except in forcible entry and detainer cases  
13 and small claims cases or a petition to reopen an estate,  
14 to modify, terminate, or enforce a judgment or order for  
15 child or spousal support, or to modify, suspend, or  
16 terminate an order for withholding, if filed before 30 days  
17 after the entry of the judgment or order, a minimum of \$20  
18 and a maximum of \$50.

19 (2) Petition to vacate or modify any final judgment or  
20 order of court, except a petition to modify, terminate, or  
21 enforce a judgment or order for child or spousal support or  
22 to modify, suspend, or terminate an order for withholding,  
23 if filed later than 30 days after the entry of the judgment  
24 or order, a minimum of \$20 and a maximum of \$75.

25 (3) Petition to vacate order of bond forfeiture, a  
26 minimum of \$10 and a maximum of \$40.

1 (h) Mailing.

2 When the clerk is required to mail, the fee will be a  
3 minimum of \$2 and a maximum of \$10, plus the cost of  
4 postage.

5 (i) Certified Copies.

6 Each certified copy of a judgment after the first,  
7 except in small claims and forcible entry and detainer  
8 cases, a minimum of \$2 and a maximum of \$10.

9 (j) Habeas Corpus.

10 For filing a petition for relief by habeas corpus, a  
11 minimum of \$60 and a maximum of \$100.

12 (k) Certification, Authentication, and Reproduction.

13 (1) Each certification or authentication for taking  
14 the acknowledgment of a deed or other instrument in writing  
15 with the seal of office, a minimum of \$2 and a maximum of  
16 \$6.

17 (2) Court appeals when original documents are  
18 forwarded, under 100 pages, plus delivery and costs, a  
19 minimum of \$20 and a maximum of \$60.

20 (3) Court appeals when original documents are  
21 forwarded, over 100 pages, plus delivery and costs, a  
22 minimum of \$50 and a maximum of \$150.

23 (4) Court appeals when original documents are  
24 forwarded, over 200 pages, an additional fee of a minimum  
25 of 20 cents and a maximum of 25 cents per page.

26 (5) For reproduction of any document contained in the

1 clerk's files:

2 (A) First page, a minimum of \$1 and a maximum of  
3 \$2.

4 (B) Next 19 pages, 50 cents per page.

5 (C) All remaining pages, 25 cents per page.

6 (l) Remands.

7 In any cases remanded to the Circuit Court from the  
8 Supreme Court or the Appellate Court for a new trial, the  
9 clerk shall file the remanding order and reinstate the case  
10 with either its original number or a new number. The Clerk  
11 shall not charge any new or additional fee for the  
12 reinstatement. Upon reinstatement the Clerk shall advise  
13 the parties of the reinstatement. A party shall have the  
14 same right to a jury trial on remand and reinstatement as  
15 he or she had before the appeal, and no additional or new  
16 fee or charge shall be made for a jury trial after remand.

17 (m) Record Search.

18 For each record search, within a division or municipal  
19 district, the clerk shall be entitled to a search fee of a  
20 minimum of \$4 and a maximum of \$6 for each year searched.

21 (n) Hard Copy.

22 For each page of hard copy print output, when case  
23 records are maintained on an automated medium, the clerk  
24 shall be entitled to a fee of a minimum of \$4 and a maximum  
25 of \$6.

26 (o) Index Inquiry and Other Records.

1           No fee shall be charged for a single  
2           plaintiff/defendant index inquiry or single case record  
3           inquiry when this request is made in person and the records  
4           are maintained in a current automated medium, and when no  
5           hard copy print output is requested. The fees to be charged  
6           for management records, multiple case records, and  
7           multiple journal records may be specified by the Chief  
8           Judge pursuant to the guidelines for access and  
9           dissemination of information approved by the Supreme  
10          Court.

11       (p) (Blank).

12       (q) Alias Summons.

13           For each alias summons or citation issued by the clerk,  
14           a minimum of \$2 and a maximum of \$5.

15       (r) Other Fees.

16           Any fees not covered in this Section shall be set by  
17           rule or administrative order of the Circuit Court with the  
18           approval of the Administrative Office of the Illinois  
19           Courts.

20           The clerk of the circuit court may provide additional  
21           services for which there is no fee specified by statute in  
22           connection with the operation of the clerk's office as may  
23           be requested by the public and agreed to by the clerk and  
24           approved by the chief judge of the circuit court. Any  
25           charges for additional services shall be as agreed to  
26           between the clerk and the party making the request and



1 approved by the chief judge of the circuit court. Nothing  
2 in this subsection shall be construed to require any clerk  
3 to provide any service not otherwise required by law.

4 (s) Jury Services.

5 The clerk shall be entitled to receive, in addition to  
6 other fees allowed by law, the sum of a minimum of \$62.50  
7 and a maximum of \$212.50, as a fee for the services of a  
8 jury in every civil action not quasi-criminal in its nature  
9 and not a proceeding for the exercise of the right of  
10 eminent domain and in every other action wherein the right  
11 of trial by jury is or may be given by law. The jury fee  
12 shall be paid by the party demanding a jury at the time of  
13 filing the jury demand. If the fee is not paid by either  
14 party, no jury shall be called in the action or proceeding,  
15 and the same shall be tried by the court without a jury.

16 (t) Voluntary Assignment.

17 For filing each deed of voluntary assignment, a minimum  
18 of \$10 and a maximum of \$20; for recording the same, a  
19 minimum of 25 cents and a maximum of 50 cents for each 100  
20 words. Exceptions filed to claims presented to an assignee  
21 of a debtor who has made a voluntary assignment for the  
22 benefit of creditors shall be considered and treated, for  
23 the purpose of taxing costs therein, as actions in which  
24 the party or parties filing the exceptions shall be  
25 considered as party or parties plaintiff, and the claimant  
26 or claimants as party or parties defendant, and those

1 parties respectively shall pay to the clerk the same fees  
2 as provided by this Section to be paid in other actions.

3 (u) Expungement Petition.

4 The clerk shall be entitled to receive a fee of a  
5 minimum of \$15 and a maximum of \$60 for each expungement  
6 petition filed and an additional fee of a minimum of \$2 and  
7 a maximum of \$4 for each certified copy of an order to  
8 expunge arrest records.

9 (v) Probate.

10 The clerk is entitled to receive the fees specified in  
11 this subsection (v), which shall be paid in advance, except  
12 that, for good cause shown, the court may suspend, reduce,  
13 or release the costs payable under this subsection:

14 (1) For administration of the estate of a decedent  
15 (whether testate or intestate) or of a missing person, a  
16 minimum of \$50 and a maximum of \$150, plus the fees  
17 specified in subsection (v) (3), except:

18 (A) When the value of the real and personal  
19 property does not exceed \$15,000, the fee shall be a  
20 minimum of \$25 and a maximum of \$40.

21 (B) When (i) proof of heirship alone is made, (ii)  
22 a domestic or foreign will is admitted to probate  
23 without administration (including proof of heirship),  
24 or (iii) letters of office are issued for a particular  
25 purpose without administration of the estate, the fee  
26 shall be a minimum of \$10 and a maximum of \$40.

1 (C) For filing a petition to sell Real Estate, \$50.

2 (2) For administration of the estate of a ward, a  
3 minimum of \$50 and a maximum of \$75, plus the fees  
4 specified in subsection (v) (3), except:

5 (A) When the value of the real and personal  
6 property does not exceed \$15,000, the fee shall be a  
7 minimum of \$25 and a maximum of \$40.

8 (B) When (i) letters of office are issued to a  
9 guardian of the person or persons, but not of the  
10 estate or (ii) letters of office are issued in the  
11 estate of a ward without administration of the estate,  
12 including filing or joining in the filing of a tax  
13 return or releasing a mortgage or consenting to the  
14 marriage of the ward, the fee shall be a minimum of \$10  
15 and a maximum of \$20.

16 (C) For filing a Petition to sell Real Estate, \$50.

17 (3) In addition to the fees payable under subsection  
18 (v) (1) or (v) (2) of this Section, the following fees are  
19 payable:

20 (A) For each account (other than one final account)  
21 filed in the estate of a decedent, or ward, a minimum  
22 of \$10 and a maximum of \$25.

23 (B) For filing a claim in an estate when the amount  
24 claimed is \$150 or more but less than \$500, a minimum  
25 of \$10 and a maximum of \$25; when the amount claimed is  
26 \$500 or more but less than \$10,000, a minimum of \$10

1 and a maximum of \$40; when the amount claimed is  
2 \$10,000 or more, a minimum of \$10 and a maximum of \$60;  
3 provided that the court in allowing a claim may add to  
4 the amount allowed the filing fee paid by the claimant.

5 (C) For filing in an estate a claim, petition, or  
6 supplemental proceeding based upon an action seeking  
7 equitable relief including the construction or contest  
8 of a will, enforcement of a contract to make a will,  
9 and proceedings involving testamentary trusts or the  
10 appointment of testamentary trustees, a minimum of \$40  
11 and a maximum of \$60.

12 (D) For filing in an estate (i) the appearance of  
13 any person for the purpose of consent or (ii) the  
14 appearance of an executor, administrator,  
15 administrator to collect, guardian, guardian ad litem,  
16 or special administrator, no fee.

17 (E) Except as provided in subsection (v) (3) (D),  
18 for filing the appearance of any person or persons, a  
19 minimum of \$10 and a maximum of \$30.

20 (F) For each jury demand, a minimum of \$62.50 and a  
21 maximum of \$137.50.

22 (G) For disposition of the collection of a judgment  
23 or settlement of an action or claim for wrongful death  
24 of a decedent or of any cause of action of a ward, when  
25 there is no other administration of the estate, a  
26 minimum of \$30 and a maximum of \$50, less any amount

1           paid under subsection (v) (1) (B) or (v) (2) (B) except  
2           that if the amount involved does not exceed \$5,000, the  
3           fee, including any amount paid under subsection  
4           (v) (1) (B) or (v) (2) (B), shall be a minimum of \$10 and a  
5           maximum of \$20.

6           (H) For each certified copy of letters of office,  
7           of court order or other certification, a minimum of \$1  
8           and a maximum of \$2, plus a minimum of 50 cents and a  
9           maximum of \$1 per page in excess of 3 pages for the  
10          document certified.

11          (I) For each exemplification, a minimum of \$1 and a  
12          maximum of \$2, plus the fee for certification.

13          (4) The executor, administrator, guardian, petitioner,  
14          or other interested person or his or her attorney shall pay  
15          the cost of publication by the clerk directly to the  
16          newspaper.

17          (5) The person on whose behalf a charge is incurred for  
18          witness, court reporter, appraiser, or other miscellaneous  
19          fee shall pay the same directly to the person entitled  
20          thereto.

21          (6) The executor, administrator, guardian, petitioner,  
22          or other interested person or his or her attorney shall pay  
23          to the clerk all postage charges incurred by the clerk in  
24          mailing petitions, orders, notices, or other documents  
25          pursuant to the provisions of the Probate Act of 1975.

26          (w) Criminal and Quasi-Criminal Costs and Fees.

1           (1) The clerk shall be entitled to costs in all  
2 criminal and quasi-criminal cases from each person  
3 convicted or sentenced to supervision therein as follows:

4           (A) Felony complaints, a minimum of \$40 and a  
5 maximum of \$100.

6           (B) Misdemeanor complaints, a minimum of \$25 and a  
7 maximum of \$75.

8           (C) Business offense complaints, a minimum of \$25  
9 and a maximum of \$75.

10           (D) Petty offense complaints, a minimum of \$25 and  
11 a maximum of \$75.

12           (E) Minor traffic or ordinance violations, \$10.

13           (F) When court appearance required, \$15.

14           (G) Motions to vacate or amend final orders, a  
15 minimum of \$20 and a maximum of \$40.

16           (H) Motions to vacate bond forfeiture orders, a  
17 minimum of \$20 and a maximum of \$40.

18           (I) Motions to vacate ex parte judgments, whenever  
19 filed, a minimum of \$20 and a maximum of \$40.

20           (J) Motions to vacate judgment on forfeitures,  
21 whenever filed, a minimum of \$20 and a maximum of \$40.

22           (K) Motions to vacate "failure to appear" or  
23 "failure to comply" notices sent to the Secretary of  
24 State, a minimum of \$20 and a maximum of \$40.

25           (2) In counties having a population of not more than  
26 500,000 inhabitants, when the violation complaint is

1 issued by a municipal police department, the clerk shall be  
2 entitled to costs from each person convicted therein as  
3 follows:

4 (A) Minor traffic or ordinance violations, \$10.

5 (B) When court appearance required, \$15.

6 (3) In ordinance violation cases punishable by fine  
7 only, the clerk of the circuit court shall be entitled to  
8 receive, unless the fee is excused upon a finding by the  
9 court that the defendant is indigent, in addition to other  
10 fees or costs allowed or imposed by law, the sum of a  
11 minimum of \$62.50 and a maximum of \$137.50 as a fee for the  
12 services of a jury. The jury fee shall be paid by the  
13 defendant at the time of filing his or her jury demand. If  
14 the fee is not so paid by the defendant, no jury shall be  
15 called, and the case shall be tried by the court without a  
16 jury.

17 (x) Transcripts of Judgment.

18 For the filing of a transcript of judgment, the clerk  
19 shall be entitled to the same fee as if it were the  
20 commencement of a new suit.

21 (y) Change of Venue.

22 (1) For the filing of a change of case on a change of  
23 venue, the clerk shall be entitled to the same fee as if it  
24 were the commencement of a new suit.

25 (2) The fee for the preparation and certification of a  
26 record on a change of venue to another jurisdiction, when

1 original documents are forwarded, a minimum of \$10 and a  
2 maximum of \$40.

3 (z) Tax objection complaints.

4 For each tax objection complaint containing one or more  
5 tax objections, regardless of the number of parcels  
6 involved or the number of taxpayers joining on the  
7 complaint, a minimum of \$10 and a maximum of \$50.

8 (aa) Tax Deeds.

9 (1) Petition for tax deed, if only one parcel is  
10 involved, a minimum of \$45 and a maximum of \$200.

11 (2) For each additional parcel, add a fee of a minimum  
12 of \$10 and a maximum of \$60.

13 (bb) Collections.

14 (1) For all collections made of others, except the  
15 State and county and except in maintenance or child support  
16 cases, a sum equal to a minimum of 2% and a maximum of 2.5%  
17 of the amount collected and turned over.

18 (2) Interest earned on any funds held by the clerk  
19 shall be turned over to the county general fund as an  
20 earning of the office.

21 (3) For any check, draft, or other bank instrument  
22 returned to the clerk for non-sufficient funds, account  
23 closed, or payment stopped, \$25.

24 (4) In child support and maintenance cases, the clerk,  
25 if authorized by an ordinance of the county board, may  
26 collect an annual fee of up to \$36 from the person making



1 payment for maintaining child support records and the  
2 processing of support orders to the State of Illinois KIDS  
3 system and the recording of payments issued by the State  
4 Disbursement Unit for the official record of the Court.  
5 This fee shall be in addition to and separate from amounts  
6 ordered to be paid as maintenance or child support and  
7 shall be deposited into a Separate Maintenance and Child  
8 Support Collection Fund, of which the clerk shall be the  
9 custodian, ex-officio, to be used by the clerk to maintain  
10 child support orders and record all payments issued by the  
11 State Disbursement Unit for the official record of the  
12 Court. The clerk may recover from the person making the  
13 maintenance or child support payment any additional cost  
14 incurred in the collection of this annual fee.

15 The clerk shall also be entitled to a fee of \$5 for  
16 certifications made to the Secretary of State as provided  
17 in Section 7-703 of the Family Financial Responsibility Law  
18 and these fees shall also be deposited into the Separate  
19 Maintenance and Child Support Collection Fund.

20 (cc) Corrections of Numbers.

21 For correction of the case number, case title, or  
22 attorney computer identification number, if required by  
23 rule of court, on any document filed in the clerk's office,  
24 to be charged against the party that filed the document, a  
25 minimum of \$10 and a maximum of \$25.

26 (dd) Exceptions.

1           (1) The fee requirements of this Section shall not  
 2           apply to police departments or other law enforcement  
 3           agencies. In this Section, "law enforcement agency" means  
 4           an agency of the State or a unit of local government which  
 5           is vested by law or ordinance with the duty to maintain  
 6           public order and to enforce criminal laws or ordinances.  
 7           "Law enforcement agency" also means the Attorney General or  
 8           any state's attorney.

9           (2) No fee provided herein shall be charged to any unit  
 10          of local government or school district.

11          (3) The fee requirements of this Section shall not  
 12          apply to any action instituted under subsection (b) of  
 13          Section 11-31-1 of the Illinois Municipal Code by a private  
 14          owner or tenant of real property within 1200 feet of a  
 15          dangerous or unsafe building seeking an order compelling  
 16          the owner or owners of the building to take any of the  
 17          actions authorized under that subsection.

18          (4) The fee requirements of this Section shall not  
 19          apply to the filing of any commitment petition or petition  
 20          for an order authorizing the administration of  
 21          psychotropic medication or electroconvulsive therapy under  
 22          the Mental Health and Developmental Disabilities Code.

23          (ee) Adoptions.

24                 (1) For an adoption ..... \$65

25                 (2) Upon good cause shown, the court may waive the  
 26                 adoption filing fee in a special needs adoption. The term

1 "special needs adoption" shall have the meaning ascribed to  
2 it by the Illinois Department of Children and Family  
3 Services.

4 (ff) Adoption exemptions.

5 No fee other than that set forth in subsection (ee)  
6 shall be charged to any person in connection with an  
7 adoption proceeding nor may any fee be charged for  
8 proceedings for the appointment of a confidential  
9 intermediary under the Adoption Act.

10 (Source: P.A. 95-172, eff. 8-14-07; 95-331, eff. 8-21-07.)