



Rep. Emily McAsey

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LRB099 04960 KTG 34562 a

1 AMENDMENT TO HOUSE BILL 3933

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3933, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

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

8 (705 ILCS 95/5)

9 Sec. 5. Findings.

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

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

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

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

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

22 (705 ILCS 95/7 new)

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

24 (a) "Foundation" means the Illinois Equal Justice  
25 Foundation, a not-for-profit corporation created by the

1 Illinois State Bar Association and the Chicago Bar Association  
2 and recognized under the Illinois Equal Justice Act.

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

11 (705 ILCS 95/10)

12 Sec. 10. Pilot programs.

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

20 (a-5) The Supreme Court Access to Justice Commission may  
21 develop a pilot program to provide court-based legal assistance  
22 services.

23 (b) The General Assembly recommends that ~~the rules~~  
24 ~~developing~~ the pilot programs:

25 (1) provide intake, screening, and varying levels of

1 legal assistance to ensure that the parties served by these  
2 programs have meaningful access to justice;

3 (2) gather information on the outcomes associated with  
4 providing the services described in paragraph (1) of this  
5 subsection; and

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

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

9 (705 ILCS 95/15)

10 Sec. 15. Access to Justice Fund.

11 (a) The Access to Justice Fund is created as a special fund  
12 in the State treasury. The Fund shall consist of fees collected  
13 under Section 27.3g of the Clerks of Courts Act. ~~Moneys Subject~~  
14 ~~to appropriation, moneys~~ in the Access to Justice Fund shall be  
15 directed to and used by the Attorney General for grants to the  
16 Foundation Supreme Court for the administration of the pilot  
17 programs created under this Act. Grants made under this Act to  
18 the Foundation are subject to the requirements of the Illinois  
19 Grant Funds Recovery Act.

20 (b) In accordance with the requirements of the Illinois  
21 Equal Justice Act, the Foundation may make grants, enter into  
22 contracts, and take other actions recommended by the Council to  
23 effectuate the pilot programs and comply with the other  
24 requirements of this Act.

25 (c) The governing board of the Foundation must prepare and

1 submit an annual report to the Governor, the President of the  
2 Senate, the Minority Leader of the Senate, the Speaker of the  
3 House of Representatives, the Minority Leader of the House of  
4 Representatives, and the Justices of the Illinois Supreme  
5 Court. The report must include: (i) a statement of the total  
6 receipts and a breakdown by source during each of the previous  
7 2 calendar years; (ii) a list of the names and addresses of the  
8 recipients that are currently receiving funds and that received  
9 funds in the previous year and the amounts committed to  
10 recipients for the current year and paid in the previous year;  
11 (iii) a breakdown of the amounts paid during the previous year  
12 to recipients and the amounts committed to each recipient for  
13 the current year; (iv) a breakdown of the Foundation's costs in  
14 administering the Fund; (v) a statement of the Fund balance at  
15 the start and at the close of the previous year and the  
16 interest earned during the previous year; and (vi) any notices  
17 the Foundation issued denying applications for moneys under  
18 this Act. The report, in its entirety, is a public record, and  
19 the Foundation and the Governor shall make the report available  
20 for inspection upon request.

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.

26 (e) No moneys distributed from the Access to Justice Fund

1 may be directly or indirectly used for lobbying activities, as  
2 defined in Section 2 of the Lobbyist Registration Act or as  
3 defined in any ordinance or resolution of a municipality,  
4 county, or other unit of local government in Illinois.

5 (f) The Foundation may make, enter into, and execute  
6 contracts, agreements, leases, and other instruments with any  
7 person, including without limitation any federal, State, or  
8 local governmental agency, and may take other actions that may  
9 be necessary or convenient to accomplish any purpose authorized  
10 by this Act.

11 (g) The Foundation has the authority to receive and accept  
12 any and all grants, loans, subsidies, matching funds,  
13 reimbursements, federal grant moneys, fees for services, and  
14 other things of value from the federal or State government or  
15 any agency of any other state or from any institution, person,  
16 firm, or corporation, public or private, to be used to carry  
17 out the purposes of this Act.

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

19 (705 ILCS 95/20)

20 Sec. 20. Evaluation. The Council ~~Supreme Court~~ shall study  
21 the effectiveness of the pilot programs implemented under this  
22 Act and submit a report to the Supreme Court, Governor, and  
23 General Assembly by June 1, 2021 ~~2017~~. The report shall include  
24 the number of people served by the veteran and active military  
25 legal hotline and pro bono program and data on how the pilot

1 programs expanded access to justice and the impact on  
2 government programs and community resources ~~in each pilot~~  
3 ~~program and data on the impact of varying levels of legal~~  
4 ~~assistance on access to justice, the effect on fair and~~  
5 ~~efficient court administration, and the impact on government~~  
6 ~~programs and community resources.~~ This report shall describe  
7 the benefits of providing legal assistance to those who were  
8 previously unrepresented, both for the clients, the military  
9 and veteran service organizations, and civil legal aid  
10 programs, and the courts, and shall describe strategies and  
11 recommendations for maximizing the benefit of that  
12 representation in the future. The report shall include an  
13 assessment of the continuing unmet needs and, if available,  
14 data regarding those unmet needs.

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

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

18 (705 ILCS 105/27.3g)

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

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

21 (a) On and after September 1, 2015 ~~If the Supreme Court~~  
22 ~~develops a pilot program to provide court-based legal~~  
23 ~~assistance in accordance with Section 10 of the Access to~~  
24 ~~Justice Act,~~ all clerks of the circuit court shall charge and

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

11 (b) This Section is repealed on September 1, 2020 ~~5 years~~  
12 ~~after the effective date of this amendatory Act of the 98th~~  
13 ~~General Assembly.~~

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

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