



Rep. Emily McAsey

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LRB099 04960 KTG 34602 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 appropriated to the Attorney General for disbursements to the
16 Foundation. The Foundation shall use the moneys to make grants
17 and distributions used by the Supreme Court for the
18 administration of the pilot programs created under this Act.
19 Grants or distributions made under this Act to the Foundation
20 are subject to the requirements of the Illinois Grant Funds
21 Recovery Act.

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

1 requirements of this Act.

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

25 (d) The Foundation may annually retain a portion of the
26 disbursements it receives under this Section to reimburse the

1 Foundation for the actual cost of administering the Council and
2 for making the grants and distributions pursuant to this Act
3 during that year.

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

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

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

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

24 (705 ILCS 95/20)

25 Sec. 20. Evaluation. The Council ~~Supreme Court~~ shall study

1 the effectiveness of the pilot programs implemented under this
2 Act and submit a report to the Supreme Court, Governor, and
3 General Assembly by June 1, 2021 ~~2017~~. The report shall include
4 the number of people served by the veteran and active military
5 legal hotline and pro bono program and data on how the pilot
6 programs expanded access to justice and the impact on
7 government programs and community resources ~~in each pilot~~
8 ~~program and data on the impact of varying levels of legal~~
9 ~~assistance on access to justice, the effect on fair and~~
10 ~~efficient court administration, and the impact on government~~
11 ~~programs and community resources~~. This report shall describe
12 the benefits of providing legal assistance to those who were
13 previously unrepresented, both for the clients, the military
14 and veteran service organizations, and civil legal aid
15 programs, and the courts, and shall describe strategies and
16 recommendations for maximizing the benefit of that
17 representation in the future. The report shall include an
18 assessment of the continuing unmet needs and, if available,
19 data regarding those unmet needs.

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

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

23 (705 ILCS 105/27.3g)

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

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

2 (a) On and after September 1, 2015 ~~If the Supreme Court~~
3 ~~develops a pilot program to provide court-based legal~~
4 ~~assistance in accordance with Section 10 of the Access to~~
5 ~~Justice Act,~~ all clerks of the circuit court shall charge and
6 collect at the time of filing the first pleading, paper, or
7 other appearance filed by each party in all civil cases, in
8 addition to any other fees, a fee of \$2 ~~\$10~~, but no additional
9 fee shall be required if more than one party is represented in
10 a single pleading, paper, or other appearance. Fees received by
11 the clerk of the circuit court under this Section shall be
12 remitted by the clerk of the circuit court to the State
13 Treasurer, within one month after receipt, ~~to the Supreme Court~~
14 for deposit into the Access to Justice Fund created under
15 Section 15 of the Access to Justice Act.

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

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

20 Section 99. Effective date. This Act takes effect upon
21 becoming law."