

SB3162



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB3162

Introduced 2/19/2016, by Sen. Don Harmon

SYNOPSIS AS INTRODUCED:

705 ILCS 105/27.3a
705 ILCS 105/28

Amends the Clerks of Courts Act. Provides that in specified circumstances, the clerk of the circuit court shall collect an additional \$7 e-business fee. Provides that the clerk shall remit the fee to the State Treasurer within one month after receipt for deposit into the Supreme Court Special Purposes Fund. Provides that moneys in the Supreme Court Special Purposes Fund shall, among other things, be used by the Supreme Court for costs associated with electronic filing and other e-business programs and case management systems in the circuit courts. Effective immediately.

LRB099 20679 HEP 45420 b

FISCAL NOTE ACT
MAY APPLY

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 Sections 27.3a and 28 as follows:

6 (705 ILCS 105/27.3a)

7 Sec. 27.3a. Fees for automated record keeping, probation
8 and court services operations, ~~and~~ State and Conservation
9 Police operations, and e-business programs.

10 1. The expense of establishing and maintaining automated
11 record keeping systems in the offices of the clerks of the
12 circuit court shall be borne by the county. To defray such
13 expense in any county having established such an automated
14 system or which elects to establish such a system, the county
15 board may require the clerk of the circuit court in their
16 county to charge and collect a court automation fee of not less
17 than \$1 nor more than \$25 to be charged and collected by the
18 clerk of the court. Such fee shall be paid at the time of
19 filing the first pleading, paper or other appearance filed by
20 each party in all civil cases or by the defendant in any
21 felony, traffic, misdemeanor, municipal ordinance, or
22 conservation case upon a judgment of guilty or grant of
23 supervision, provided that the record keeping system which

1 processes the case category for which the fee is charged is
2 automated or has been approved for automation by the county
3 board, and provided further that no additional fee shall be
4 required if more than one party is presented in a single
5 pleading, paper or other appearance. Such fee shall be
6 collected in the manner in which all other fees or costs are
7 collected.

8 1.1. Starting on July 6, 2012 (the effective date of Public
9 Act 97-761) and pursuant to an administrative order from the
10 chief judge of the circuit or the presiding judge of the county
11 authorizing such collection, a clerk of the circuit court in
12 any county that imposes a fee pursuant to subsection 1 of this
13 Section shall also charge and collect an additional \$10
14 operations fee for probation and court services department
15 operations.

16 This additional fee shall be paid by the defendant in any
17 felony, traffic, misdemeanor, local ordinance, or conservation
18 case upon a judgment of guilty or grant of supervision, except
19 such \$10 operations fee shall not be charged and collected in
20 cases governed by Supreme Court Rule 529 in which the bail
21 amount is \$120 or less.

22 1.2. With respect to the fee imposed and collected under
23 subsection 1.1 of this Section, each clerk shall transfer all
24 fees monthly to the county treasurer for deposit into the
25 probation and court services fund created under Section 15.1 of
26 the Probation and Probation Officers Act, and such monies shall

1 be disbursed from the fund only at the direction of the chief
2 judge of the circuit or another judge designated by the Chief
3 Circuit Judge in accordance with the policies and guidelines
4 approved by the Supreme Court.

5 1.5. Starting on June 1, 2014, a clerk of the circuit court
6 in any county that imposes a fee pursuant to subsection 1 of
7 this Section, shall charge and collect an additional fee in an
8 amount equal to the amount of the fee imposed pursuant to
9 subsection 1 of this Section, except the fee imposed under this
10 subsection may not be more than \$15. This additional fee shall
11 be paid by the defendant in any felony, traffic, misdemeanor,
12 or local ordinance case upon a judgment of guilty or grant of
13 supervision. This fee shall not be paid by the defendant for
14 any violation listed in subsection 1.6 of this Section.

15 1.6. Starting on June 1, 2014, a clerk of the circuit court
16 in any county that imposes a fee pursuant to subsection 1 of
17 this Section shall charge and collect an additional fee in an
18 amount equal to the amount of the fee imposed pursuant to
19 subsection 1 of this Section, except the fee imposed under this
20 subsection may not be more than \$15. This additional fee shall
21 be paid by the defendant upon a judgment of guilty or grant of
22 supervision for a violation under the State Parks Act, the
23 Recreational Trails of Illinois Act, the Illinois Explosives
24 Act, the Timber Buyers Licensing Act, the Forest Products
25 Transportation Act, the Firearm Owners Identification Card
26 Act, the Environmental Protection Act, the Fish and Aquatic

1 Life Code, the Wildlife Code, the Cave Protection Act, the
2 Illinois Exotic Weed Act, the Illinois Forestry Development
3 Act, the Ginseng Harvesting Act, the Illinois Lake Management
4 Program Act, the Illinois Natural Areas Preservation Act, the
5 Illinois Open Land Trust Act, the Open Space Lands Acquisition
6 and Development Act, the Illinois Prescribed Burning Act, the
7 State Forest Act, the Water Use Act of 1983, the Illinois
8 Veteran, Youth, and Young Adult Conservation Jobs Act, the
9 Snowmobile Registration and Safety Act, the Boat Registration
10 and Safety Act, the Illinois Dangerous Animals Act, the Hunter
11 and Fishermen Interference Prohibition Act, the Wrongful Tree
12 Cutting Act, or Section 11-1426.1, 11-1426.2, 11-1427,
13 11-1427.1, 11-1427.2, 11-1427.3, 11-1427.4, or 11-1427.5 of
14 the Illinois Vehicle Code, or Section 48-3 or 48-10 of the
15 Criminal Code of 2012.

16 1.7. Starting on the effective date of this amendatory Act
17 of the 99th General Assembly, a clerk of the circuit court in
18 any county that imposes a fee pursuant to subsection 1 of this
19 Section shall also charge and collect an additional \$7
20 e-business fee. The fee shall be paid at the time of filing the
21 first pleading, paper, or other appearance filed by each party
22 in all civil cases, except no additional fee shall be required
23 if more than one party is presented in a single pleading,
24 paper, or other appearance. The fee shall be collected in the
25 manner in which all other fees or costs are collected. The fee
26 shall be in addition to all other fees and charges of the

1 clerk, and assessable as costs, and may be waived only if the
2 judge specifically provides for the waiver of the e-business
3 fee. The fee shall not be charged in any matter coming to the
4 clerk on a change of venue, nor in any proceeding to review the
5 decision of any administrative officer, agency, or body.

6 2. With respect to the fee imposed under subsection 1 of
7 this Section, each clerk shall commence such charges and
8 collections upon receipt of written notice from the chairman of
9 the county board together with a certified copy of the board's
10 resolution, which the clerk shall file of record in his office.

11 3. With respect to the fee imposed under subsection 1 of
12 this Section, such fees shall be in addition to all other fees
13 and charges of such clerks, and assessable as costs, and may be
14 waived only if the judge specifically provides for the waiver
15 of the court automation fee. The fees shall be remitted monthly
16 by such clerk to the county treasurer, to be retained by him in
17 a special fund designated as the court automation fund. The
18 fund shall be audited by the county auditor, and the board
19 shall make expenditure from the fund in payment of any cost
20 related to the automation of court records, including hardware,
21 software, research and development costs and personnel related
22 thereto, provided that the expenditure is approved by the clerk
23 of the court and by the chief judge of the circuit court or his
24 designate.

25 4. With respect to the fee imposed under subsection 1 of
26 this Section, such fees shall not be charged in any matter

1 coming to any such clerk on change of venue, nor in any
2 proceeding to review the decision of any administrative
3 officer, agency or body.

4 5. With respect to the additional fee imposed under
5 subsection 1.5 of this Section, the fee shall be remitted by
6 the circuit clerk to the State Treasurer within one month after
7 receipt for deposit into the State Police Operations Assistance
8 Fund.

9 6. With respect to the additional fees imposed under
10 subsection 1.5 of this Section, the Director of State Police
11 may direct the use of these fees for homeland security purposes
12 by transferring these fees on a quarterly basis from the State
13 Police Operations Assistance Fund into the Illinois Law
14 Enforcement Alarm Systems (ILEAS) Fund for homeland security
15 initiatives programs. The transferred fees shall be allocated,
16 subject to the approval of the ILEAS Executive Board, as
17 follows: (i) 66.6% shall be used for homeland security
18 initiatives and (ii) 33.3% shall be used for airborne
19 operations. The ILEAS Executive Board shall annually supply the
20 Director of State Police with a report of the use of these
21 fees.

22 7. With respect to the additional fee imposed under
23 subsection 1.6 of this Section, the fee shall be remitted by
24 the circuit clerk to the State Treasurer within one month after
25 receipt for deposit into the Conservation Police Operations
26 Assistance Fund.

1 8. With respect to the fee imposed under subsection 1.7 of
2 this Section, the clerk shall remit the fee to the State
3 Treasurer within one month after receipt for deposit into the
4 Supreme Court Special Purposes Fund. Unless otherwise
5 authorized by this Act, the moneys deposited into the Supreme
6 Court Special Purposes Fund under this subsection are not
7 subject to administrative charges or chargebacks under Section
8 20 of the State Treasurer Act.

9 (Source: P.A. 97-46, eff. 7-1-12; 97-453, eff. 8-19-11; 97-738,
10 eff. 7-5-12; 97-761, eff. 7-6-12; 97-813, eff. 7-13-12;
11 97-1108, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-375, eff.
12 8-16-13; 98-606, eff. 6-1-14; 98-1016, eff. 8-22-14.)

13 (705 ILCS 105/28)

14 Sec. 28. Supreme Court Clerk; fees. At the time of filing a
15 petition or record, the petitioner or appellant shall pay to
16 the Clerk of the Supreme Court the sum of \$25. That sum shall
17 be in full payment of all services of the clerk on behalf of
18 the petitioner or appellant, except the making of a complete
19 record, or copies of records, papers, or orders. The respondent
20 or appellee, before entering an appearance or filing any paper,
21 shall pay to the Clerk of the Supreme Court the sum of \$15,
22 which sum shall be in full payment of all services of the clerk
23 on behalf of the respondent or appellee, except the making of a
24 complete record, or copies of records, papers, or orders.

25 The fee for each official certificate and seal is \$1.

1 The fee for making a complete record, copy of a record, or
2 other papers in this office is a reasonable fee per page as
3 established by the Supreme Court, except that the clerk shall
4 furnish without cost, to parties in interest or their attorneys
5 of record, copies of opinions or orders. In furtherance of the
6 public interest, the clerk may furnish copies of opinions or
7 orders without cost to other individuals or entities.

8 The fee for preparing a law license, certifying it with the
9 seal, administering the oath, and transcribing the name on the
10 roll of attorneys is \$5.

11 After the effective date of this amendatory Act of the 98th
12 General Assembly, the amount of any fee collected under this
13 Section may be set by Supreme Court rule, except that the
14 amount of the fees collected under this Section shall remain as
15 set by statute until the Supreme Court adopts rules specifying
16 a higher or lower fee amount.

17 There is created the Supreme Court Special Purposes Fund, a
18 special fund in the State treasury. Moneys collected under this
19 Section shall be deposited into the Supreme Court Special
20 Purposes Fund. Moneys in the Supreme Court Special Purposes
21 Fund shall ~~to~~ be used by the Supreme Court for:

22 (1) costs associated with electronic filing and other
23 e-business programs and case management systems in the
24 circuit and reviewing courts; and

25 (2) the operation of committees and commissions
26 established by the Supreme Court.

1 (Source: P.A. 98-324, eff. 10-1-13.)

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.