



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4951

Introduced 2/18/2020, by Rep. William Davis

SYNOPSIS AS INTRODUCED:

20 ILCS 210/6	from Ch. 127, par. 1706
20 ILCS 665/4b	
20 ILCS 1305/10-6 rep.	
30 ILCS 105/6a	from Ch. 127, par. 142a
35 ILCS 5/507DDD	
35 ILCS 5/507AA rep.	
35 ILCS 5/507BB rep.	
35 ILCS 5/507TT rep.	
35 ILCS 405/13	from Ch. 120, par. 405A-13
235 ILCS 5/1-3.37 rep.	
305 ILCS 40/Act rep.	
705 ILCS 105/27.1b	
705 ILCS 135/15-20	
730 ILCS 5/5-9-1.22	

Amends the State Fair Act, the Illinois Promotion Act, the Department of Human Services Act, the State Finance Act, the Illinois Income Tax Act, the Illinois Estate and Generation-Skipping Transfer Tax Act, the Liquor Control Act of 1934, the Clerks of Courts Act, the Criminal and Traffic Assessment Act, and the Unified Code of Corrections to make various technical corrections. Effective immediately.

LRB101 18043 HLH 67481 b

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The State Fair Act is amended by changing
5 Section 6 as follows:

6 (20 ILCS 210/6) (from Ch. 127, par. 1706)

7 Sec. 6. Policies, procedures, and powers concerning the
8 operation of fairs.

9 (a) Policies. The Department shall, pursuant to the
10 Illinois Administrative Procedure Act, establish by rule:

11 (1) the policy for the operation of the Illinois State
12 Fair and the DuQuoin State Fair, except those operations
13 regarding contests as provided for in subparagraphs (b) and
14 (c) of this Section, and

15 (2) the policies and procedures for the sale, barter,
16 or exchange of tickets and for ticket refunds for cancelled
17 events.

18 (b) Contests. The Department shall establish and make
19 available, for all contestants and other interested persons,
20 sufficient copies of a premium book or other publication that
21 establishes the kinds and classes of events or exhibits for
22 contests at the fairs, the conditions under which contestants
23 shall be entered into contests, the qualification and

1 disqualification requirements of contests, the drug testing
2 requirements for contests (if applicable), the premiums to be
3 offered to contest winners, the manner in which certificates of
4 award shall be distributed and premiums paid to contest
5 winners, the penalty for violations of a rule, condition,
6 instruction, or directive, and requirements of contests,
7 including but not limited to the return of all premiums paid,
8 the forfeiture of awards, and the prohibition of participating
9 in future contests, and all other rules and requirements for
10 contests. These rules, conditions, instructions, directives,
11 and requirements shall be exempt from the rulemaking procedures
12 of the Illinois Administrative Procedure Act. All such
13 publications issued by the Department that relate to a contest,
14 event, or exhibit shall be maintained as a public record at the
15 Department's principal office in Springfield, Illinois, and
16 made available for public inspection and copying during regular
17 business hours.

18 (c) Fees. The Department shall establish and publish for
19 the Illinois State Fair and the DuQuoin State Fair a schedule
20 of admission fees, entry fees, concession fees, space rentals
21 and other fees for activities offered or provided at each State
22 Fair. These schedules of fees shall be maintained as a public
23 record at the Department's principal office in Springfield,
24 Illinois, and made available for public inspection and copying
25 during regular business, but shall be exempt from the
26 rulemaking procedures of the Illinois Administrative Procedure

1 Act.

2 (d) Facilities. The Department may negotiate and enter into
3 contracts for activities and use of facilities for which there
4 is not an established or published schedule. The contract
5 criteria shall be established by rule, pursuant to the Illinois
6 Administrative Procedure Act. The Department may lease any of
7 its facilities for activities during the State Fair.

8 (e) Advertising. The Illinois State Fair in Springfield and
9 the DuQuoin State Fair shall have the power and authority to
10 sell or exchange advertising rights in all of its publications
11 and printed materials. The sale of advertising shall be subject
12 to the rules promulgated by the Department, pursuant to the
13 Illinois Administrative Procedure Act. All income derived from
14 the sale of advertising at the Illinois State Fair in
15 Springfield shall be deposited into the Illinois State Fair
16 Fund. All income derived from the sale of advertising at the
17 DuQuoin State Fair shall be deposited into the Agricultural
18 Premium Fund.

19 (f) Veterans. On the day set aside as Veterans Day,
20 honorably discharged veterans and members of their families
21 shall be admitted without admission charge upon presentation of
22 identification of any of the following: honorable discharge
23 certificate, or photostatic copy thereof, or a paid up
24 membership card in any recognized veterans organization.

25 (g) Government functions. The Governor, Lieutenant
26 Governor, Attorney General, Secretary of State, Treasurer,

1 Comptroller, President and Minority Leader of the Senate, and
2 Minority Leader of the House of Representatives shall be
3 afforded space for official governmental functions, without
4 charge, during the State Fair and the DuQuoin State Fair.

5 (Source: P.A. 93-1055, eff. 11-23-04.)

6 Section 10. The Illinois Promotion Act is amended by
7 changing Section 4b as follows:

8 (20 ILCS 665/4b)

9 Sec. 4b. Coordinating Committee. There is created a
10 Coordinating Committee of State agencies involved with tourism
11 in the State of Illinois. The Committee shall consist of the
12 Director of Commerce and Economic Opportunity as chairman, the
13 Lieutenant Governor, the Secretary of Transportation or his or
14 her designee, and the head executive officer or his or her
15 designee of the following: the Lincoln Presidential Library;
16 the Department of Natural Resources; the Department of
17 Agriculture; the Illinois Arts Council; the Illinois Community
18 College Board; and the Board of Higher Education; ~~and the Grape~~
19 ~~and Wine Resources Council~~. The Committee shall also include 4
20 members of the Illinois General Assembly, one of whom shall be
21 named by the Speaker of the House of Representatives, one of
22 whom shall be named by the Minority Leader of the House of
23 Representatives, one of whom who shall be named by the
24 President of the Senate, and one of whom shall be named by the

1 Minority Leader of the Senate. The Committee shall meet at
2 least quarterly and at other times as called by the chair. The
3 Committee shall coordinate the promotion and development of
4 tourism activities throughout State government.

5 (Source: P.A. 94-793, eff. 5-19-06.)

6 (20 ILCS 1305/10-6 rep.)

7 Section 15. The Department of Human Services Act is amended
8 by repealing Section 10-6.

9 Section 20. The State Finance Act is amended by changing
10 Section 6a as follows:

11 (30 ILCS 105/6a) (from Ch. 127, par. 142a)

12 Sec. 6a. (1) The following items of income received by the
13 State Colleges and Universities under the jurisdiction of the
14 Board of Governors of State Colleges and Universities for
15 general operational and educational purposes shall be paid into
16 the state treasury without delay and shall be covered into a
17 special fund to be known as the Board of Governors of State
18 Colleges and Universities Income Fund: (a) tuition,
19 laboratory, library fees, and any interest which may be earned
20 thereon not later than 20 days after receipt of the same
21 without any deductions except for refunds to students for whom
22 duplicate payment has been made and to students who have
23 withdrawn after registration and who are entitled to such

1 refunds; and (b) excess income from auxiliary enterprises and
2 activities as provided in paragraph (2) of this Section, and
3 all other income arising out of any activity or purpose not
4 specified in paragraph (2) of this Section or in Section 6a-2
5 not later than 10 days after receipt of the same and without
6 any deduction whatever. Such items of income shall be either
7 paid into the State treasury or deposited into a college or
8 university bank account within the time period established for
9 like amounts in Section 2 of the State Officers and Employees
10 Money Disposition Act; provided, that if deposited into a bank
11 account, such items together with interest thereon shall be
12 paid into the State treasury as provided in the preceding
13 sentence. The General Assembly shall from time to time make
14 appropriations payable from the Board of Governors of State
15 Colleges and Universities Income Fund for the support and
16 improvement of such State Colleges and Universities.

17 (2) The following items of income shall be retained by each
18 such State College or University or by the Board of Governors
19 of State Colleges and Universities in its own treasury:
20 endowment funds, gifts, trust funds, and Federal aid; funds
21 received in connection with contracts with governmental,
22 public or private agencies or persons, for research or services
23 including funds which are paid as reimbursement to the State
24 College or University or to the Board of Governors of State
25 Colleges and Universities and funds received in connection with
26 its operation of research and high technology parks; funds

1 received in connection with reserves authorized by Section 8a
2 of "An Act to provide for the management, operation, control
3 and maintenance of the State Colleges and Universities System",
4 approved July 2, 1951, as amended; funds received in connection
5 with the retention, receipt, assignment, license, sale or
6 transfer of interests in, rights to, or income from
7 discoveries, inventions, patents, or copyrightable works;
8 funds retained by the State College or University under the
9 authority of Section 6a-2, and funds received from the
10 operation of student or staff residence facilities, student and
11 staff medical and health programs, Union buildings,
12 bookstores, farms, stores, and other auxiliary enterprises or
13 activities which are self-supporting in whole or in part. Any
14 income derived from such auxiliary enterprises or activities
15 which is not necessary to their support, maintenance, or
16 development shall not, however, be applied to any general
17 operational or educational purpose but shall be paid into the
18 State Treasury as provided in paragraph (1) of this Section.

19 Whenever such funds retained by each such State College or
20 University or by the Board of Governors of State Colleges and
21 Universities in its own treasury are deposited with a bank or
22 savings and loan association and the amount of the deposit
23 exceeds the amount of federal deposit insurance coverage, a
24 bond or pledged securities shall be obtained. Only the types of
25 securities which the State Treasurer may, in his discretion,
26 accept for amounts not insured by the Federal Deposit Insurance

1 Corporation or the Federal Savings and Loan Insurance
2 Corporation under Section 11 of "An Act in relation to State
3 moneys", approved June 28, 1919, as amended, may be accepted as
4 pledged securities. The market value of the bond or pledged
5 securities shall at all times be equal to or greater than the
6 uninsured portion of the deposit.

7 (3) (Blank). ~~All monies received by the Cooperative~~
8 ~~Computer Center operated and maintained by Governors State~~
9 ~~University, in conjunction and pursuant to contracts with other~~
10 ~~State universities, shall be deposited in the Cooperative~~
11 ~~Computer Center Revolving Fund. The General Assembly shall from~~
12 ~~time to time make appropriations from the Cooperative Computer~~
13 ~~Center Revolving Fund to be used for expenditures incurred by~~
14 ~~the Cooperative Computer Center.~~

15 (4) The Auditor General shall audit or cause to be audited
16 the above items of income and all other income and expenditures
17 of such institutions.

18 (5) Beginning on January 1, 1996, the provisions of
19 paragraphs (1) and (2) of this Section shall be superseded by
20 Section 5-35 of the Chicago State University Law and Section
21 6a-1c of the State Finance Act with respect to Chicago State
22 University; by Section 10-35 of the Eastern Illinois University
23 Law and Section 6a-1d of the State Finance Act with respect to
24 Eastern Illinois University; by Section 15-35 of the Governors
25 State University Law and Section 6a-1e of the State Finance Act
26 with respect to Governors State University; by Section 25-35 of

1 the Northeastern Illinois University Law and Section 6a-1f of
2 the State Finance Act with respect to Northeastern Illinois
3 University; and by Section 35-35 of the Western Illinois
4 University Law and Section 6a-1g of the State Finance Act with
5 respect to Western Illinois University. On January 1, 1996, all
6 items of income and other funds deposited, retained, or
7 otherwise held under paragraphs (1) and (2) of this Section
8 shall be transferred, appropriated, retained and used as
9 provided by the provisions of law cited in this paragraph as
10 superseding the provisions of paragraphs (1) and (2) of this
11 Section.

12 (Source: P.A. 89-4, eff. 1-1-96.)

13 Section 25. The Illinois Income Tax Act is amended by
14 changing Section 507DDD as follows:

15 (35 ILCS 5/507DDD)

16 Sec. 507DDD. Special Olympics Illinois and Special
17 Children's Checkoff. For taxable years beginning on or after
18 January 1, 2015, the Department shall print on its standard
19 individual income tax form a provision indicating that if the
20 taxpayer wishes to contribute to the Special Olympics Illinois
21 and Special Children's Charities ~~Checkoff~~ Fund as authorized by
22 Public Act 99-423, he or she may do so by stating the amount of
23 the contribution (not less than \$1) on the return and that the
24 contribution will reduce the taxpayer's refund or increase the

1 amount of payment to accompany the return. Failure to remit any
2 amount of increased payment shall reduce the contribution
3 accordingly. This Section shall not apply to an amended return.
4 ~~For the purpose of this Section, the Department of Revenue must~~
5 ~~distribute the moneys as provided in subsection 21.9(b) of the~~
6 ~~Illinois Lottery Law: (i) 75% of the moneys to Special Olympics~~
7 ~~Illinois to support the statewide training, competitions, and~~
8 ~~programs for future Special Olympics athletes; and (ii) 25% of~~
9 ~~the moneys to Special Children's Charities to support the City~~
10 ~~of Chicago wide training, competitions, and programs for~~
11 ~~future Special Olympics athletes.~~

12 (Source: P.A. 99-423, eff. 8-20-15; 99-642, eff. 7-28-16.)

13 (35 ILCS 5/507AA rep.)

14 (35 ILCS 5/507BB rep.)

15 (35 ILCS 5/507TT rep.)

16 Section 30. The Illinois Income Tax Act is amended by
17 repealing Sections 507AA, 507BB, and 507TT.

18 Section 35. The Illinois Estate and Generation-Skipping
19 Transfer Tax Act is amended by changing Section 13 as follows:

20 (35 ILCS 405/13) (from Ch. 120, par. 405A-13)

21 Sec. 13. Collection by county treasurers; tax collection
22 distribution fund.

23 (a) Collection by county treasurers. Each county treasurer

1 shall transmit to the State Treasurer all taxes, interest or
2 penalties paid to the county treasurer under this Act and in
3 the county treasurer's possession as of the last day of the
4 previous month, together with a report under oath identifying
5 the taxpayer for or by whom an amount was paid. Those amounts
6 and the report shall be transmitted to and received by the
7 State Treasurer by the 10th day of each month. At the same
8 time, a copy of the report shall be furnished to the Attorney
9 General. The report shall be in a form and contain the
10 particulars as the State Treasurer may prescribe. The State
11 Treasurer shall give the county treasurer a receipt for the
12 amount transmitted to the State Treasurer. Except as provided
13 in subsection (a-5) of this Section, if any county treasurer
14 fails to pay to the State Treasurer all amounts that may be due
15 and payable under this Act as required by this Section, the
16 county treasurer shall pay to the State Treasurer, as a
17 penalty, a sum of money equal to the interest on the amounts
18 not paid at the rate of 1% per month from the time those
19 amounts are due by the county treasurer until those amounts are
20 paid. The sureties upon the official bond of the county
21 treasurer shall be security for the payment of the penalty. The
22 penalty under this Section may be recovered in a civil action
23 against the county treasurer and his or her sureties, in the
24 name of the People of the State of Illinois, in the circuit
25 court within the county wherein the county treasurer is
26 resident; and the penalty, when recovered, shall be paid into

1 the State treasury. The civil action to recover the penalty
2 shall be brought by the State treasurer within 10 days after
3 the failure of the county treasurer to pay to the State
4 Treasurer any amounts collected by the county treasurer within
5 the time required by this Act. Failure to bring the action
6 within that time shall not prevent the bringing of the action
7 thereafter. It is the duty of the State Treasurer to make
8 necessary and proper investigation to determine what amounts
9 should be paid under this Act.

10 (a-5) The State Treasurer may waive penalties imposed by
11 subsection (a) of this Section on a case-by-case basis if the
12 State Treasurer finds that imposing penalties would be
13 unreasonable or unnecessarily burdensome because the delay in
14 payment was due to an incident caused by the operation of an
15 extraordinary force, including, but not limited to, the
16 occurrence of a natural disaster, that cannot be foreseen, that
17 cannot be avoided by the exercise of due care, and for which no
18 person can be held liable.

19 (b) (Blank). ~~Transfer Tax Collection Distributive Fund.~~
20 ~~The Transfer Tax Collection Distributive Fund is created as a~~
21 ~~special fund in the State treasury. The Fund is a continuation~~
22 ~~of the Fund of the same name created under the Illinois Estate~~
23 ~~Tax Law, repealed by this Act. As soon as may be after the~~
24 ~~first day of each month after the effective date of this Act,~~
25 ~~and before September 1, 2012, the State Treasurer shall~~
26 ~~transfer from the General Revenue Fund to the Transfer Tax~~

1 ~~Collection Distributive Fund an amount equal to 6% of the net~~
2 ~~revenue realized from this Act during the preceding month.~~

3 ~~As soon as may be after the first day of each month, the~~
4 ~~State Treasurer shall allocate among the counties of this State~~
5 ~~the amount available in the Transfer Tax Collection~~
6 ~~Distributive Fund. The allocation to each county shall be 6% of~~
7 ~~the net revenues collected by the county treasurer under this~~
8 ~~Act. The State Comptroller, pursuant to appropriation, shall~~
9 ~~then pay those allocations over to the counties. As soon as~~
10 ~~possible after all of the required monthly allocations are made~~
11 ~~from the Transfer Tax Collection Distributive Fund and before~~
12 ~~September 1, 2012, the State Comptroller shall order~~
13 ~~transferred and the State Treasurer shall transfer any moneys~~
14 ~~remaining in the Transfer Tax Collection Distributive Fund from~~
15 ~~that Fund to the General Revenue Fund, and the Transfer Tax~~
16 ~~Collection Distributive Fund shall be dissolved.~~

17 (c) On and after July 1, 2012, 94% of the amounts collected
18 from the taxes, interest, and penalties collected under this
19 Act shall be deposited into the General Revenue Fund and 6% of
20 those amounts shall be deposited into the Estate Tax Refund
21 Fund, a special fund created in the State treasury.

22 Moneys in the Estate Tax Refund Fund shall be expended
23 exclusively for the purpose of paying refunds resulting from
24 overpayment of tax liability under this Act, except that,
25 whenever the State Treasurer determines that any such moneys in
26 the Fund exceed the amount required for the purpose of paying

1 refunds resulting from overpayment of tax liability under this
2 Act, the State Treasurer may transfer any such excess amounts
3 from the Estate Tax Refund Fund to the General Revenue Fund.

4 The Treasurer shall order payment of refunds resulting from
5 overpayment of tax liability under this Act from the Estate Tax
6 Refund Fund only to the extent that amounts have been deposited
7 and retained in the Fund.

8 Public Act 97-732 ~~This amendatory Act of the 97th General~~
9 ~~Assembly~~ shall constitute an irrevocable and continuing
10 appropriation from the Estate Tax Refund Fund for the purpose
11 of paying refunds upon the order of the Treasurer in accordance
12 with the provisions of this Act and for the purpose of paying
13 refunds under this Act.

14 (Source: P.A. 96-1162, eff. 7-21-10; 97-732, eff. 6-30-12.)

15 (235 ILCS 5/1-3.37 rep.)

16 Section 40. The Liquor Control Act of 1934 is amended by
17 repealing Section 1-3.37.

18 (305 ILCS 40/Act rep.)

19 Section 45. The Nursing Home Grant Assistance Act is
20 repealed.

21 Section 50. The Clerks of Courts Act is amended by changing
22 Section 27.1b as follows:

1 (705 ILCS 105/27.1b)

2 (Section scheduled to be repealed on January 1, 2021)

3 Sec. 27.1b. Circuit court clerk fees. Notwithstanding any
4 other provision of law, all fees charged by the clerks of the
5 circuit court for the services described in this Section shall
6 be established, collected, and disbursed in accordance with
7 this Section. Except as otherwise specified in this Section,
8 all fees under this Section shall be paid in advance and
9 disbursed by each clerk on a monthly basis. In a county with a
10 population of over 3,000,000, units of local government and
11 school districts shall not be required to pay fees under this
12 Section in advance and the clerk shall instead send an itemized
13 bill to the unit of local government or school district, within
14 30 days of the fee being incurred, and the unit of local
15 government or school district shall be allowed at least 30 days
16 from the date of the itemized bill to pay; these payments shall
17 be disbursed by each clerk on a monthly basis. Unless otherwise
18 specified in this Section, the amount of a fee shall be
19 determined by ordinance or resolution of the county board and
20 remitted to the county treasurer to be used for purposes
21 related to the operation of the court system in the county. In
22 a county with population of over 3,000,000, any amount retained
23 by the clerk of the circuit court or remitted to the county
24 treasurer shall be subject to appropriation by the county
25 board.

26 (a) Civil cases. The fee for filing a complaint, petition,

1 or other pleading initiating a civil action shall be as set
2 forth in the applicable schedule under this subsection in
3 accordance with case categories established by the Supreme
4 Court in schedules.

5 (1) SCHEDULE 1: not to exceed a total of \$366 in a
6 county with a population of 3,000,000 or more and not to
7 exceed \$316 in any other county, except as applied to units
8 of local government and school districts in counties with
9 more than 3,000,000 inhabitants an amount not to exceed
10 \$190 through December 31, 2021 and \$184 on and after
11 January 1, 2022. The fees collected under this schedule
12 shall be disbursed as follows:

13 (A) The clerk shall retain a sum, in an amount not
14 to exceed \$55 in a county with a population of
15 3,000,000 or more and in an amount not to exceed \$45 in
16 any other county determined by the clerk with the
17 approval of the Supreme Court, to be used for court
18 automation, court document storage, and administrative
19 purposes.

20 (B) The clerk shall remit up to \$21 to the State
21 Treasurer. The State Treasurer shall deposit the
22 appropriate amounts, in accordance with the clerk's
23 instructions, as follows:

24 (i) up to \$10, as specified by the Supreme
25 Court in accordance with Part 10A of Article II of
26 the Code of Civil Procedure, into the Mandatory

1 Arbitration Fund;

2 (ii) \$2 into the Access to Justice Fund; and

3 (iii) \$9 into the Supreme Court Special
4 Purposes Fund.

5 (C) The clerk shall remit a sum to the County
6 Treasurer, in an amount not to exceed \$290 in a county
7 with a population of 3,000,000 or more and in an amount
8 not to exceed \$250 in any other county, as specified by
9 ordinance or resolution passed by the county board, for
10 purposes related to the operation of the court system
11 in the county.

12 (2) SCHEDULE 2: not to exceed a total of \$357 in a
13 county with a population of 3,000,000 or more and not to
14 exceed \$266 in any other county, except as applied to units
15 of local government and school districts in counties with
16 more than 3,000,000 inhabitants an amount not to exceed
17 \$190 through December 31, 2021 and \$184 on and after
18 January 1, 2022. The fees collected under this schedule
19 shall be disbursed as follows:

20 (A) The clerk shall retain a sum, in an amount not
21 to exceed \$55 in a county with a population of
22 3,000,000 or more and in an amount not to exceed \$45 in
23 any other county determined by the clerk with the
24 approval of the Supreme Court, to be used for court
25 automation, court document storage, and administrative
26 purposes.

1 (B) The clerk shall remit up to \$21 to the State
2 Treasurer. The State Treasurer shall deposit the
3 appropriate amounts, in accordance with the clerk's
4 instructions, as follows:

5 (i) up to \$10, as specified by the Supreme
6 Court in accordance with Part 10A of Article II of
7 the Code of Civil Procedure, into the Mandatory
8 Arbitration Fund;

9 (ii) \$2 into the Access to Justice Fund: and

10 (iii) \$9 into the Supreme Court Special
11 Purposes Fund.

12 (C) The clerk shall remit a sum to the County
13 Treasurer, in an amount not to exceed \$281 in a county
14 with a population of 3,000,000 or more and in an amount
15 not to exceed \$200 in any other county, as specified by
16 ordinance or resolution passed by the county board, for
17 purposes related to the operation of the court system
18 in the county.

19 (3) SCHEDULE 3: not to exceed a total of \$265 in a
20 county with a population of 3,000,000 or more and not to
21 exceed \$89 in any other county, except as applied to units
22 of local government and school districts in counties with
23 more than 3,000,000 inhabitants an amount not to exceed
24 \$190 through December 31, 2021 and \$184 on and after
25 January 1, 2022. The fees collected under this schedule
26 shall be disbursed as follows:

1 (A) The clerk shall retain a sum, in an amount not
2 to exceed \$55 in a county with a population of
3 3,000,000 or more and in an amount not to exceed \$22 in
4 any other county determined by the clerk with the
5 approval of the Supreme Court, to be used for court
6 automation, court document storage, and administrative
7 purposes.

8 (B) The clerk shall remit \$11 to the State
9 Treasurer. The State Treasurer shall deposit the
10 appropriate amounts in accordance with the clerk's
11 instructions, as follows:

12 (i) \$2 into the Access to Justice Fund; and

13 (ii) \$9 into the Supreme Court Special
14 Purposes Fund.

15 (C) The clerk shall remit a sum to the County
16 Treasurer, in an amount not to exceed \$199 in a county
17 with a population of 3,000,000 or more and in an amount
18 not to exceed \$56 in any other county, as specified by
19 ordinance or resolution passed by the county board, for
20 purposes related to the operation of the court system
21 in the county.

22 (4) SCHEDULE 4: \$0.

23 (b) Appearance. The fee for filing an appearance in a civil
24 action, including a cannabis civil law action under the
25 Cannabis Control Act, shall be as set forth in the applicable
26 schedule under this subsection in accordance with case

1 categories established by the Supreme Court in schedules.

2 (1) SCHEDULE 1: not to exceed a total of \$230 in a
3 county with a population of 3,000,000 or more and not to
4 exceed \$191 in any other county, except as applied to units
5 of local government and school districts in counties with
6 more than 3,000,000 inhabitants an amount not to exceed
7 \$75. The fees collected under this schedule shall be
8 disbursed as follows:

9 (A) The clerk shall retain a sum, in an amount not
10 to exceed \$50 in a county with a population of
11 3,000,000 or more and in an amount not to exceed \$45 in
12 any other county determined by the clerk with the
13 approval of the Supreme Court, to be used for court
14 automation, court document storage, and administrative
15 purposes.

16 (B) The clerk shall remit up to \$21 to the State
17 Treasurer. The State Treasurer shall deposit the
18 appropriate amounts, in accordance with the clerk's
19 instructions, as follows:

20 (i) up to \$10, as specified by the Supreme
21 Court in accordance with Part 10A of Article II of
22 the Code of Civil Procedure, into the Mandatory
23 Arbitration Fund;

24 (ii) \$2 into the Access to Justice Fund; and

25 (iii) \$9 into the Supreme Court Special
26 Purposes Fund.

1 (C) The clerk shall remit a sum to the County
2 Treasurer, in an amount not to exceed \$159 in a county
3 with a population of 3,000,000 or more and in an amount
4 not to exceed \$125 in any other county, as specified by
5 ordinance or resolution passed by the county board, for
6 purposes related to the operation of the court system
7 in the county.

8 (2) SCHEDULE 2: not to exceed a total of \$130 in a
9 county with a population of 3,000,000 or more and not to
10 exceed \$109 in any other county, except as applied to units
11 of local government and school districts in counties with
12 more than 3,000,000 inhabitants an amount not to exceed
13 \$75. The fees collected under this schedule shall be
14 disbursed as follows:

15 (A) The clerk shall retain a sum, in an amount not
16 to exceed \$50 in a county with a population of
17 3,000,000 or more and in an amount not to exceed \$10 in
18 any other county determined by the clerk with the
19 approval of the Supreme Court, to be used for court
20 automation, court document storage, and administrative
21 purposes.

22 (B) The clerk shall remit \$9 to the State
23 Treasurer, which the State Treasurer shall deposit
24 into the Supreme Court Special Purposes ~~Purpose~~ Fund.

25 (C) The clerk shall remit a sum to the County
26 Treasurer, in an amount not to exceed \$71 in a county

1 with a population of 3,000,000 or more and in an amount
2 not to exceed \$90 in any other county, as specified by
3 ordinance or resolution passed by the county board, for
4 purposes related to the operation of the court system
5 in the county.

6 (3) SCHEDULE 3: \$0.

7 (b-5) Kane County and Will County. In Kane County and Will
8 County civil cases, there is an additional fee of up to \$30 as
9 set by the county board under Section 5-1101.3 of the Counties
10 Code to be paid by each party at the time of filing the first
11 pleading, paper, or other appearance; provided that no
12 additional fee shall be required if more than one party is
13 represented in a single pleading, paper, or other appearance.
14 Distribution of fees collected under this subsection (b-5)
15 shall be as provided in Section 5-1101.3 of the Counties Code.

16 (c) Counterclaim or third party complaint. When any
17 defendant files a counterclaim or third party complaint, as
18 part of the defendant's answer or otherwise, the defendant
19 shall pay a filing fee for each counterclaim or third party
20 complaint in an amount equal to the filing fee the defendant
21 would have had to pay had the defendant brought a separate
22 action for the relief sought in the counterclaim or third party
23 complaint, less the amount of the appearance fee, if any, that
24 the defendant has already paid in the action in which the
25 counterclaim or third party complaint is filed.

26 (d) Alias summons. The clerk shall collect a fee not to

1 exceed \$6 in a county with a population of 3,000,000 or more
2 and not to exceed \$5 in any other county for each alias summons
3 or citation issued by the clerk, except as applied to units of
4 local government and school districts in counties with more
5 than 3,000,000 inhabitants an amount not to exceed \$5 for each
6 alias summons or citation issued by the clerk.

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

18 (f) Change of venue. In connection with a change of venue:

19 (1) The clerk of the jurisdiction from which the case
20 is transferred may charge a fee, not to exceed \$40, for the
21 preparation and certification of the record; and

22 (2) The clerk of the jurisdiction to which the case is
23 transferred may charge the same filing fee as if it were
24 the commencement of a new suit.

25 (g) Petition to vacate or modify.

26 (1) In a proceeding involving a petition to vacate or

1 modify any final judgment or order filed within 30 days
2 after the judgment or order was entered, except for an
3 eviction case, small claims case, petition to reopen an
4 estate, petition to modify, terminate, or enforce a
5 judgment or order for child or spousal support, or petition
6 to modify, suspend, or terminate an order for withholding,
7 the fee shall not exceed \$60 in a county with a population
8 of 3,000,000 or more and shall not exceed \$50 in any other
9 county, except as applied to units of local government and
10 school districts in counties with more than 3,000,000
11 inhabitants an amount not to exceed \$50.

12 (2) In a proceeding involving a petition to vacate or
13 modify any final judgment or order filed more than 30 days
14 after the judgment or order was entered, except for a
15 petition to modify, terminate, or enforce a judgment or
16 order for child or spousal support, or petition to modify,
17 suspend, or terminate an order for withholding, the fee
18 shall not exceed \$75.

19 (3) In a proceeding involving a motion to vacate or
20 amend a final order, motion to vacate an ex parte judgment,
21 judgment of forfeiture, or "failure to appear" or "failure
22 to comply" notices sent to the Secretary of State, the fee
23 shall equal \$40.

24 (h) Appeals preparation. The fee for preparation of a
25 record on appeal shall be based on the number of pages, as
26 follows:

1 (1) if the record contains no more than 100 pages, the
2 fee shall not exceed \$70 in a county with a population of
3 3,000,000 or more and shall not exceed \$50 in any other
4 county;

5 (2) if the record contains between 100 and 200 pages,
6 the fee shall not exceed \$100; and

7 (3) if the record contains 200 or more pages, the clerk
8 may collect an additional fee not to exceed 25 cents per
9 page.

10 (i) Remands. In any cases remanded to the circuit court
11 from the Supreme Court or the appellate court for a new trial,
12 the clerk shall reinstate the case with either its original
13 number or a new number. The clerk shall not charge any new or
14 additional fee for the reinstatement. Upon reinstatement, the
15 clerk shall advise the parties of the reinstatement. Parties
16 shall have the same right to a jury trial on remand and
17 reinstatement that they had before the appeal, and no
18 additional or new fee or charge shall be made for a jury trial
19 after remand.

20 (j) Garnishment, wage deduction, and citation. In
21 garnishment affidavit, wage deduction affidavit, and citation
22 petition proceedings:

23 (1) if the amount in controversy in the proceeding is
24 not more than \$1,000, the fee may not exceed \$35 in a
25 county with a population of 3,000,000 or more and may not
26 exceed \$15 in any other county, except as applied to units

1 of local government and school districts in counties with
2 more than 3,000,000 inhabitants an amount not to exceed
3 \$15;

4 (2) if the amount in controversy in the proceeding is
5 greater than \$1,000 and not more than \$5,000, the fee may
6 not exceed \$45 in a county with a population of 3,000,000
7 or more and may not exceed \$30 in any other county, except
8 as applied to units of local government and school
9 districts in counties with more than 3,000,000 inhabitants
10 an amount not to exceed \$30; and

11 (3) if the amount in controversy in the proceeding is
12 greater than \$5,000, the fee may not exceed \$65 in a county
13 with a population of 3,000,000 or more and may not exceed
14 \$50 in any other county, except as applied to units of
15 local government and school districts in counties with more
16 than 3,000,000 inhabitants an amount not to exceed \$50.

17 (j-5) Debt collection. In any proceeding to collect a debt
18 subject to the exception in item (ii) of subparagraph (A-5) of
19 paragraph (1) of subsection (z) of this Section, the circuit
20 court shall order and the clerk shall collect from each
21 judgment debtor a fee of:

22 (1) \$35 if the amount in controversy in the proceeding
23 is not more than \$1,000;

24 (2) \$45 if the amount in controversy in the proceeding
25 is greater than \$1,000 and not more than \$5,000; and

26 (3) \$65 if the amount in controversy in the proceeding

1 is greater than \$5,000.

2 (k) Collections.

3 (1) For all collections made of others, except the
4 State and county and except in maintenance or child support
5 cases, the clerk may collect a fee of up to 2.5% of the
6 amount collected and turned over.

7 (2) In child support and maintenance cases, the clerk
8 may collect an annual fee of up to \$36 from the person
9 making payment for maintaining child support records and
10 the processing of support orders to the State of Illinois
11 KIDS system and the recording of payments issued by the
12 State Disbursement Unit for the official record of the
13 Court. This fee is in addition to and separate from amounts
14 ordered to be paid as maintenance or child support and
15 shall be deposited into a Separate Maintenance and Child
16 Support Collection Fund, of which the clerk shall be the
17 custodian, ex officio, to be used by the clerk to maintain
18 child support orders and record all payments issued by the
19 State Disbursement Unit for the official record of the
20 Court. The clerk may recover from the person making the
21 maintenance or child support payment any additional cost
22 incurred in the collection of this annual fee.

23 (3) The clerk may collect a fee of \$5 for
24 certifications made to the Secretary of State as provided
25 in Section 7-703 of the Illinois Vehicle Code, and this fee
26 shall be deposited into the Separate Maintenance and Child

1 Support Collection Fund.

2 (4) In proceedings to foreclose the lien of delinquent
3 real estate taxes, State's Attorneys shall receive a fee of
4 10% of the total amount realized from the sale of real
5 estate sold in the proceedings. The clerk shall collect the
6 fee from the total amount realized from the sale of the
7 real estate sold in the proceedings and remit to the County
8 Treasurer to be credited to the earnings of the Office of
9 the State's Attorney.

10 (l) Mailing. The fee for the clerk mailing documents shall
11 not exceed \$10 plus the cost of postage.

12 (m) Certified copies. The fee for each certified copy of a
13 judgment, after the first copy, shall not exceed \$10.

14 (n) Certification, authentication, and reproduction.

15 (1) The fee for each certification or authentication
16 for taking the acknowledgment of a deed or other instrument
17 in writing with the seal of office shall not exceed \$6.

18 (2) The fee for reproduction of any document contained
19 in the clerk's files shall not exceed:

20 (A) \$2 for the first page;

21 (B) 50 cents per page for the next 19 pages; and

22 (C) 25 cents per page for all additional pages.

23 (o) Record search. For each record search, within a
24 division or municipal district, the clerk may collect a search
25 fee not to exceed \$6 for each year searched.

26 (p) Hard copy. For each page of hard copy print output,

1 when case records are maintained on an automated medium, the
2 clerk may collect a fee not to exceed \$10 in a county with a
3 population of 3,000,000 or more and not to exceed \$6 in any
4 other county, except as applied to units of local government
5 and school districts in counties with more than 3,000,000
6 inhabitants an amount not to exceed \$6.

7 (q) Index inquiry and other records. No fee shall be
8 charged for a single plaintiff and defendant index inquiry or
9 single case record inquiry when this request is made in person
10 and the records are maintained in a current automated medium,
11 and when no hard copy print output is requested. The fees to be
12 charged for management records, multiple case records, and
13 multiple journal records may be specified by the Chief Judge
14 pursuant to the guidelines for access and dissemination of
15 information approved by the Supreme Court.

16 (r) Performing a marriage. There shall be a \$10 fee for
17 performing a marriage in court.

18 (s) Voluntary assignment. For filing each deed of voluntary
19 assignment, the clerk shall collect a fee not to exceed \$20.
20 For recording a deed of voluntary assignment, the clerk shall
21 collect a fee not to exceed 50 cents for each 100 words.
22 Exceptions filed to claims presented to an assignee of a debtor
23 who has made a voluntary assignment for the benefit of
24 creditors shall be considered and treated, for the purpose of
25 taxing costs therein, as actions in which the party or parties
26 filing the exceptions shall be considered as party or parties

1 plaintiff, and the claimant or claimants as party or parties
2 defendant, and those parties respectively shall pay to the
3 clerk the same fees as provided by this Section to be paid in
4 other actions.

5 (t) Expungement petition. The clerk may collect a fee not
6 to exceed \$60 for each expungement petition filed and an
7 additional fee not to exceed \$4 for each certified copy of an
8 order to expunge arrest records.

9 (u) Transcripts of judgment. For the filing of a transcript
10 of judgment, the clerk may collect the same fee as if it were
11 the commencement of a new suit.

12 (v) Probate filings.

13 (1) For each account (other than one final account)
14 filed in the estate of a decedent, or ward, the fee shall
15 not exceed \$25.

16 (2) For filing a claim in an estate when the amount
17 claimed is greater than \$150 and not more than \$500, the
18 fee shall not exceed \$40 in a county with a population of
19 3,000,000 or more and shall not exceed \$25 in any other
20 county; when the amount claimed is greater than \$500 and
21 not more than \$10,000, the fee shall not exceed \$55 in a
22 county with a population of 3,000,000 or more and shall not
23 exceed \$40 in any other county; and when the amount claimed
24 is more than \$10,000, the fee shall not exceed \$75 in a
25 county with a population of 3,000,000 or more and shall not
26 exceed \$60 in any other county; except the court in

1 allowing a claim may add to the amount allowed the filing
2 fee paid by the claimant.

3 (3) For filing in an estate a claim, petition, or
4 supplemental proceeding based upon an action seeking
5 equitable relief including the construction or contest of a
6 will, enforcement of a contract to make a will, and
7 proceedings involving testamentary trusts or the
8 appointment of testamentary trustees, the fee shall not
9 exceed \$60.

10 (4) There shall be no fee for filing in an estate: (i)
11 the appearance of any person for the purpose of consent; or
12 (ii) the appearance of an executor, administrator,
13 administrator to collect, guardian, guardian ad litem, or
14 special administrator.

15 (5) For each jury demand, the fee shall not exceed
16 \$137.50.

17 (6) For each certified copy of letters of office, of
18 court order, or other certification, the fee shall not
19 exceed \$2 per page.

20 (7) For each exemplification, the fee shall not exceed
21 \$2, plus the fee for certification.

22 (8) The executor, administrator, guardian, petitioner,
23 or other interested person or his or her attorney shall pay
24 the cost of publication by the clerk directly to the
25 newspaper.

26 (9) The person on whose behalf a charge is incurred for

1 witness, court reporter, appraiser, or other miscellaneous
2 fees shall pay the same directly to the person entitled
3 thereto.

4 (10) The executor, administrator, guardian,
5 petitioner, or other interested person or his or her
6 attorney shall pay to the clerk all postage charges
7 incurred by the clerk in mailing petitions, orders,
8 notices, or other documents pursuant to the provisions of
9 the Probate Act of 1975.

10 (w) Corrections of numbers. For correction of the case
11 number, case title, or attorney computer identification
12 number, if required by rule of court, on any document filed in
13 the clerk's office, to be charged against the party that filed
14 the document, the fee shall not exceed \$25.

15 (x) Miscellaneous.

16 (1) Interest earned on any fees collected by the clerk
17 shall be turned over to the county general fund as an
18 earning of the office.

19 (2) For any check, draft, or other bank instrument
20 returned to the clerk for non-sufficient funds, account
21 closed, or payment stopped, the clerk shall collect a fee
22 of \$25.

23 (y) Other fees. Any fees not covered in this Section shall
24 be set by rule or administrative order of the circuit court
25 with the approval of the Administrative Office of the Illinois
26 Courts. The clerk of the circuit court may provide services in

1 connection with the operation of the clerk's office, other than
2 those services mentioned in this Section, as may be requested
3 by the public and agreed to by the clerk and approved by the
4 Chief Judge. Any charges for additional services shall be as
5 agreed to between the clerk and the party making the request
6 and approved by the Chief Judge. Nothing in this subsection
7 shall be construed to require any clerk to provide any service
8 not otherwise required by law.

9 (y-5) Unpaid fees. Unless a court ordered payment schedule
10 is implemented or the fee requirements of this Section are
11 waived under a court order, the clerk of the circuit court may
12 add to any unpaid fees and costs under this Section a
13 delinquency amount equal to 5% of the unpaid fees that remain
14 unpaid after 30 days, 10% of the unpaid fees that remain unpaid
15 after 60 days, and 15% of the unpaid fees that remain unpaid
16 after 90 days. Notice to those parties may be made by signage
17 posting or publication. The additional delinquency amounts
18 collected under this Section shall be deposited into the
19 Circuit Court Clerk Operations and Administration Fund and used
20 to defray additional administrative costs incurred by the clerk
21 of the circuit court in collecting unpaid fees and costs.

22 (z) Exceptions.

23 (1) No fee authorized by this Section shall apply to:

24 (A) police departments or other law enforcement
25 agencies. In this Section, "law enforcement agency"
26 means: an agency of the State or agency of a unit of

1 local government which is vested by law or ordinance
2 with the duty to maintain public order and to enforce
3 criminal laws or ordinances; the Attorney General; or
4 any State's Attorney;

5 (A-5) any unit of local government or school
6 district, except in counties having a population of
7 500,000 or more the county board may by resolution set
8 fees for units of local government or school districts
9 no greater than the minimum fees applicable in counties
10 with a population less than 3,000,000; provided
11 however, no fee may be charged to any unit of local
12 government or school district in connection with any
13 action which, in whole or in part, is: (i) to enforce
14 an ordinance; (ii) to collect a debt; or (iii) under
15 the Administrative Review Law;

16 (B) any action instituted by the corporate
17 authority of a municipality with more than 1,000,000
18 inhabitants under Section 11-31-1 of the Illinois
19 Municipal Code and any action instituted under
20 subsection (b) of Section 11-31-1 of the Illinois
21 Municipal Code by a private owner or tenant of real
22 property within 1,200 feet of a dangerous or unsafe
23 building seeking an order compelling the owner or
24 owners of the building to take any of the actions
25 authorized under that subsection;

26 (C) any commitment petition or petition for an

1 order authorizing the administration of psychotropic
2 medication or electroconvulsive therapy under the
3 Mental Health and Developmental Disabilities Code;

4 (D) a petitioner in any order of protection
5 proceeding, including, but not limited to, fees for
6 filing, modifying, withdrawing, certifying, or
7 photocopying petitions for orders of protection,
8 issuing alias summons, any related filing service, or
9 certifying, modifying, vacating, or photocopying any
10 orders of protection; or

11 (E) proceedings for the appointment of a
12 confidential intermediary under the Adoption Act.

13 (2) No fee other than the filing fee contained in the
14 applicable schedule in subsection (a) shall be charged to
15 any person in connection with an adoption proceeding.

16 (3) Upon good cause shown, the court may waive any fees
17 associated with a special needs adoption. The term "special
18 needs adoption" has the meaning provided by the Illinois
19 Department of Children and Family Services.

20 (aa) This Section is repealed on January 1, 2021.

21 (Source: P.A. 100-987, eff. 7-1-19; 100-994, eff. 7-1-19;
22 100-1161, eff. 7-1-19.)

23 Section 55. The Criminal and Traffic Assessment Act is
24 amended by changing Section 15-20 as follows:

1 (705 ILCS 135/15-20)

2 (Section scheduled to be repealed on January 1, 2021)

3 Sec. 15-20. SCHEDULE 4; felony sex offenses.

4 SCHEDULE 4: For a felony or attempted felony under Article
5 11 or Section 12-33 of the Criminal Code of 2012, the Clerk of
6 the Circuit Court shall collect \$1,314 and remit as follows:

7 (1) As the county's portion, \$354 to the county treasurer,
8 who shall deposit the money as follows:

9 (A) \$20 into the Court Automation Fund;

10 (B) \$20 into the Court Document Storage Fund;

11 (C) \$5 into the Circuit Court Clerk Operation and
12 Administrative Fund;

13 (D) \$255 into the county's General Fund;

14 (E) \$10 into the Child Advocacy Center Fund;

15 (F) \$2 into the State's Attorney Records Automation
16 Fund;

17 (G) \$2 into the Public Defender Records Automation
18 Fund;

19 (H) \$20 into the County Jail Medical Costs Fund; and

20 (I) \$20 into the Probation and Court Services Fund.

21 (2) As the State's portion, \$960 to the State Treasurer,
22 who shall deposit the money as follows:

23 (A) \$520 into the State Police Operations Assistance
24 Fund;

25 (B) \$100 into the Violent Crime Victims Assistance
26 Fund;

- 1 (C) \$200 into the Sexual Assault Services Fund;
- 2 (D) \$100 into the Domestic Violence Shelter and Service
- 3 ~~Services~~ Fund;
- 4 (E) \$5 into the State Police Merit Board Public Safety
- 5 Fund; and
- 6 (F) \$35 into the Traffic and Criminal Conviction
- 7 Surcharge Fund.
- 8 (Source: P.A. 100-987, eff. 7-1-19.)

9 Section 60. The Unified Code of Corrections is amended by

10 changing Section 5-9-1.22 as follows:

11 (730 ILCS 5/5-9-1.22)

12 Sec. 5-9-1.22. Fee; Roadside Memorial Fund. A person who is

13 convicted or receives a disposition of court supervision for a

14 violation of Section 11-501 of the Illinois Vehicle Code shall,

15 in addition to any other disposition, penalty, or fine imposed,

16 pay a fee of \$50 which shall be collected by the clerk of the

17 court and then remitted to the State Treasurer for deposit into

18 the Roadside Memorial Fund, a special fund that is created in

19 the State treasury. However, the court may waive the fee if

20 full restitution is complied with. Subject to appropriation,

21 all moneys in the Roadside Memorial Fund shall be used by the

22 Department of Transportation to pay fees imposed under

23 subsection (f) of Section 20 of the Roadside Memorial Act.

24 This Section is substantially the same as Section 5-9-1.18

1 ~~5-9-1.8~~ of the Unified Code of Corrections, which Section was
2 repealed by Public Act 100-987, and shall be construed as a
3 continuation of the fee established by that prior law, and not
4 as a new or different fee.

5 (Source: P.A. 101-10, eff. 6-5-19.)

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.