



Adopted in House Comm. on Mar 04, 2004

09300HB5130ham001

LRB093 20148 LCB 48457 a

1 AMENDMENT TO HOUSE BILL 5130

2 AMENDMENT NO. _____. Amend House Bill 5130 by replacing
3 the title with the following:

4 "AN ACT concerning fees."; and

5 by replacing everything after the enacting clause with the
6 following:

7 "Section 5. The Clerks of Courts Act is amended by changing
8 Sections 27.2, 27.2a and 27.3b as follows:

9 (705 ILCS 105/27.2) (from Ch. 25, par. 27.2)

10 Sec. 27.2. The fees of the clerks of the circuit court in
11 all counties having a population in excess of 500,000
12 inhabitants but less than 3,000,000 inhabitants in the
13 instances described in this Section shall be as provided in
14 this Section. In those instances where a minimum and maximum
15 fee is stated, counties with more than 500,000 inhabitants but
16 less than 3,000,000 inhabitants must charge the minimum fee
17 listed in this Section and may charge up to the maximum fee if
18 the county board has by resolution increased the fee. In
19 addition, the minimum fees authorized in this Section shall
20 apply to all units of local government and school districts in
21 counties with more than 3,000,000 inhabitants. The fees shall
22 be paid in advance and shall be as follows:

23 (a) Civil Cases.

1 The fee for filing a complaint, petition, or other
2 pleading initiating a civil action, with the following
3 exceptions, shall be a minimum of \$150 and a maximum of
4 \$190.

5 (A) When the amount of money or damages or the
6 value of personal property claimed does not exceed
7 \$250, a minimum of \$10 and a maximum of \$15.

8 (B) When that amount exceeds \$250 but does not
9 exceed \$1,000, a minimum of \$20 and a maximum of \$40.

10 (C) When that amount exceeds \$1,000 but does not
11 exceed \$2500, a minimum of \$30 and a maximum of \$50.

12 (D) When that amount exceeds \$2500 but does not
13 exceed \$5,000, a minimum of \$75 and a maximum of \$100.

14 (D-5) When the amount exceeds \$5,000 but does not
15 exceed \$15,000, a minimum of \$75 and a maximum of \$150.

16 (E) For the exercise of eminent domain, \$150. For
17 each additional lot or tract of land or right or
18 interest therein subject to be condemned, the damages
19 in respect to which shall require separate assessment
20 by a jury, \$150.

21 (F) No fees shall be charged by the clerk to a
22 petitioner in any order of protection including, but
23 not limited to, filing, modifying, withdrawing,
24 certifying, or photocopying petitions for orders of
25 protection, or for issuing alias summons, or for any
26 related filing service, certifying, modifying,
27 vacating, or photocopying any orders of protection.

28 (b) Forcible Entry and Detainer.

29 In each forcible entry and detainer case when the
30 plaintiff seeks possession only or unites with his or her
31 claim for possession of the property a claim for rent or
32 damages or both in the amount of \$15,000 or less, a minimum
33 of \$40 and a maximum of \$75. When the plaintiff unites his
34 or her claim for possession with a claim for rent or

1 damages or both exceeding \$15,000, a minimum of \$150 and a
2 maximum of \$225.

3 (c) Counterclaim or Joining Third Party Defendant.

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

13 (d) Confession of Judgment.

14 In a confession of judgment when the amount does not
15 exceed \$1500, a minimum of \$50 and a maximum of \$60. When
16 the amount exceeds \$1500, but does not exceed \$5,000, \$75.
17 When the amount exceeds \$5,000, but does not exceed
18 \$15,000, \$175. When the amount exceeds \$15,000, a minimum
19 of \$200 and a maximum of \$250.

20 (e) Appearance.

21 The fee for filing an appearance in each civil case
22 shall be a minimum of \$50 and a maximum of \$75, except as
23 follows:

24 (A) When the plaintiff in a forcible entry and
25 detainer case seeks possession only, a minimum of \$20
26 and a maximum of \$40.

27 (B) When the amount in the case does not exceed
28 \$1500, a minimum of \$20 and a maximum of \$40.

29 (C) When the amount in the case exceeds \$1500 but
30 does not exceed \$15,000, a minimum of \$40 and a maximum
31 of \$60.

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

33 In garnishment affidavit, wage deduction affidavit,
34 and citation petition when the amount does not exceed

1 \$1,000, a minimum of \$10 and a maximum of \$15; when the
2 amount exceeds \$1,000 but does not exceed \$5,000, a minimum
3 of \$20 and a maximum of \$30; and when the amount exceeds
4 \$5,000, a minimum of \$30 and a maximum of \$50.

5 (g) Petition to Vacate or Modify.

6 (1) Petition to vacate or modify any final judgment or
7 order of court, except in forcible entry and detainer cases
8 and small claims cases or a petition to reopen an estate,
9 to modify, terminate, or enforce a judgment or order for
10 child or spousal support, or to modify, suspend, or
11 terminate an order for withholding, if filed before 30 days
12 after the entry of the judgment or order, a minimum of \$40
13 and a maximum of \$50.

14 (2) Petition to vacate or modify any final judgment or
15 order of court, except a petition to modify, terminate, or
16 enforce a judgment or order for child or spousal support or
17 to modify, suspend, or terminate an order for withholding,
18 if filed later than 30 days after the entry of the judgment
19 or order, a minimum of \$60 and a maximum of \$75.

20 (3) Petition to vacate order of bond forfeiture, a
21 minimum of \$20 and a maximum of \$40.

22 (h) Mailing.

23 When the clerk is required to mail, the fee will be a
24 minimum of \$6 and a maximum of \$10, plus the cost of
25 postage.

26 (i) Certified Copies.

27 Each certified copy of a judgment after the first,
28 except in small claims and forcible entry and detainer
29 cases, a minimum of \$10 and a maximum of \$15.

30 (j) Habeas Corpus.

31 For filing a petition for relief by habeas corpus, a
32 minimum of \$80 and a maximum of \$125.

33 (k) Certification, Authentication, and Reproduction.

34 (1) Each certification or authentication for taking

1 the acknowledgment of a deed or other instrument in writing
2 with the seal of office, a minimum of \$4 and a maximum of
3 \$6.

4 (2) Court appeals when original documents are
5 forwarded, under 100 pages, plus delivery and costs, a
6 minimum of \$50 and a maximum of \$75.

7 (3) Court appeals when original documents are
8 forwarded, over 100 pages, plus delivery and costs, a
9 minimum of \$120 and a maximum of \$150.

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

13 (5) For reproduction of any document contained in the
14 clerk's files:

15 (A) First page, \$2.

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

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

18 (l) Remands.

19 In any cases remanded to the Circuit Court from the
20 Supreme Court or the Appellate Court for a new trial, the
21 clerk shall file the remanding order and reinstate the case
22 with either its original number or a new number. The Clerk
23 shall not charge any new or additional fee for the
24 reinstatement. Upon reinstatement the Clerk shall advise
25 the parties of the reinstatement. A party shall have the
26 same right to a jury trial on remand and reinstatement as
27 he or she had before the appeal, and no additional or new
28 fee or charge shall be made for a jury trial after remand.

29 (m) Record Search.

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

33 (n) Hard Copy.

34 For each page of hard copy print output, when case

1 records are maintained on an automated medium, the clerk
2 shall be entitled to a fee of a minimum of \$4 and a maximum
3 of \$6.

4 (o) Index Inquiry and Other Records.

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

15 (p) (Blank).

16 (q) Alias Summons.

17 For each alias summons or citation issued by the clerk,
18 a minimum of \$4 and a maximum of \$5.

19 (r) Other Fees.

20 Any fees not covered in this Section shall be set by
21 rule or administrative order of the Circuit Court with the
22 approval of the Administrative Office of the Illinois
23 Courts.

24 The clerk of the circuit court may provide additional
25 services for which there is no fee specified by statute in
26 connection with the operation of the clerk's office as may
27 be requested by the public and agreed to by the clerk and
28 approved by the chief judge of the circuit court. Any
29 charges for additional services shall be as agreed to
30 between the clerk and the party making the request and
31 approved by the chief judge of the circuit court. Nothing
32 in this subsection shall be construed to require any clerk
33 to provide any service not otherwise required by law.

34 (s) Jury Services.

1 The clerk shall be entitled to receive, in addition to
2 other fees allowed by law, the sum of a minimum of \$192.50
3 and a maximum of \$212.50, as a fee for the services of a
4 jury in every civil action not quasi-criminal in its nature
5 and not a proceeding for the exercise of the right of
6 eminent domain and in every other action wherein the right
7 of trial by jury is or may be given by law. The jury fee
8 shall be paid by the party demanding a jury at the time of
9 filing the jury demand. If the fee is not paid by either
10 party, no jury shall be called in the action or proceeding,
11 and the same shall be tried by the court without a jury.

12 (t) Voluntary Assignment.

13 For filing each deed of voluntary assignment, a minimum
14 of \$10 and a maximum of \$20; for recording the same, a
15 minimum of 25¢ and a maximum of 50¢ for each 100 words.
16 Exceptions filed to claims presented to an assignee of a
17 debtor who has made a voluntary assignment for the benefit
18 of creditors shall be considered and treated, for the
19 purpose of taxing costs therein, as actions in which the
20 party or parties filing the exceptions shall be considered
21 as party or parties plaintiff, and the claimant or
22 claimants as party or parties defendant, and those parties
23 respectively shall pay to the clerk the same fees as
24 provided by this Section to be paid in other actions.

25 (u) Expungement Petition.

26 The clerk shall be entitled to receive a fee of a
27 minimum of \$30 and a maximum of \$60 for each expungement
28 petition filed and an additional fee of a minimum of \$2 and
29 a maximum of \$4 for each certified copy of an order to
30 expunge arrest records.

31 (v) Probate.

32 The clerk is entitled to receive the fees specified in
33 this subsection (v), which shall be paid in advance, except
34 that, for good cause shown, the court may suspend, reduce,

1 or release the costs payable under this subsection:

2 (1) For administration of the estate of a decedent
3 (whether testate or intestate) or of a missing person, a
4 minimum of \$100 and a maximum of \$150, plus the fees
5 specified in subsection (v) (3), except:

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

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

15 (2) For administration of the estate of a ward, a
16 minimum of \$50 and a maximum of \$75, 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) letters of office are issued to a
22 guardian of the person or persons, but not of the
23 estate or (ii) letters of office are issued in the
24 estate of a ward without administration of the estate,
25 including filing or joining in the filing of a tax
26 return or releasing a mortgage or consenting to the
27 marriage of the ward, the fee shall be a minimum of \$10
28 and a maximum of \$20.

29 (3) In addition to the fees payable under subsection
30 (v) (1) or (v) (2) of this Section, the following fees are
31 payable:

32 (A) For each account (other than one final account)
33 filed in the estate of a decedent, or ward, a minimum
34 of \$15 and a maximum of \$25.

1 (B) For filing a claim in an estate when the amount
2 claimed is \$150 or more but less than \$500, a minimum
3 of \$10 and a maximum of \$20; when the amount claimed is
4 \$500 or more but less than \$10,000, a minimum of \$25
5 and a maximum of \$40; when the amount claimed is
6 \$10,000 or more, a minimum of \$40 and a maximum of \$60;
7 provided that the court in allowing a claim may add to
8 the amount allowed the filing fee paid by the claimant.

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

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

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

24 (F) For each jury demand, a minimum of \$102.50 and
25 a maximum of \$137.50.

26 (G) For disposition of the collection of a judgment
27 or settlement of an action or claim for wrongful death
28 of a decedent or of any cause of action of a ward, when
29 there is no other administration of the estate, a
30 minimum of \$30 and a maximum of \$50, less any amount
31 paid under subsection (v)(1)(B) or (v)(2)(B) except
32 that if the amount involved does not exceed \$5,000, the
33 fee, including any amount paid under subsection
34 (v)(1)(B) or (v)(2)(B), shall be a minimum of \$10 and a

1 maximum of \$20.

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

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

9 (4) The executor, administrator, guardian, petitioner,
10 or other interested person or his or her attorney shall pay
11 the cost of publication by the clerk directly to the
12 newspaper.

13 (5) The person on whose behalf a charge is incurred for
14 witness, court reporter, appraiser, or other miscellaneous
15 fee shall pay the same directly to the person entitled
16 thereto.

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

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

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

26 (A) Felony complaints, a minimum of \$80 and a
27 maximum of \$125.

28 (B) Misdemeanor complaints, a minimum of \$50 and a
29 maximum of \$75.

30 (C) Business offense complaints, a minimum of \$50
31 and a maximum of \$75.

32 (D) Petty offense complaints, a minimum of \$50 and
33 a maximum of \$75.

34 (E) Minor traffic or ordinance violations, \$20.

1 (F) When court appearance required, \$30.

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

4 (H) Motions to vacate bond forfeiture orders, a
5 minimum of \$20 and a maximum of \$30.

6 (I) Motions to vacate ex parte judgments, whenever
7 filed, a minimum of \$20 and a maximum of \$30.

8 (J) Motions to vacate judgment on forfeitures,
9 whenever filed, a minimum of \$20 and a maximum of \$25.

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

13 (2) In counties having a population of more than
14 500,000 but fewer than 3,000,000 inhabitants, when the
15 violation complaint is issued by a municipal police
16 department, the clerk shall be entitled to costs from each
17 person convicted therein as follows:

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

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

20 (3) In ordinance violation cases punishable by fine
21 only, the clerk of the circuit court shall be entitled to
22 receive, unless the fee is excused upon a finding by the
23 court that the defendant is indigent, in addition to other
24 fees or costs allowed or imposed by law, the sum of a
25 minimum of \$50 and a maximum of \$112.50 as a fee for the
26 services of a jury. The jury fee shall be paid by the
27 defendant at the time of filing his or her jury demand. If
28 the fee is not so paid by the defendant, no jury shall be
29 called, and the case shall be tried by the court without a
30 jury.

31 (x) Transcripts of Judgment.

32 For the filing of a transcript of judgment, the clerk
33 shall be entitled to the same fee as if it were the
34 commencement of new suit.

1 (y) Change of Venue.

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

5 (2) The fee for the preparation and certification of a
6 record on a change of venue to another jurisdiction, when
7 original documents are forwarded, a minimum of \$25 and a
8 maximum of \$40.

9 (z) Tax objection complaints.

10 For each tax objection complaint containing one or more
11 tax objections, regardless of the number of parcels
12 involved or the number of taxpayers joining in the
13 complaint, a minimum of \$25 and a maximum of \$50.

14 (aa) Tax Deeds.

15 (1) Petition for tax deed, if only one parcel is
16 involved, a minimum of \$150 and a maximum of \$250.

17 (2) For each additional parcel, add a fee of a minimum
18 of \$50 and a maximum of \$100.

19 (bb) Collections.

20 (1) For all collections made of others, except the
21 State and county and except in maintenance or child support
22 cases, a sum equal to a minimum of 2.5% and a maximum of
23 3.0% of the amount collected and turned over.

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

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

30 (4) In child support and maintenance cases, the clerk,
31 if authorized by an ordinance of the county board, may
32 collect an annual fee of up to \$36 from the person making
33 payment for maintaining child support records and the
34 processing of support orders to the State of Illinois KIDS

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

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

18 (cc) Corrections of Numbers.

19 For correction of the case number, case title, or
20 attorney computer identification number, if required by
21 rule of court, on any document filed in the clerk's office,
22 to be charged against the party that filed the document, a
23 minimum of \$15 and a maximum of \$25.

24 (dd) Exceptions.

25 The fee requirements of this Section shall not apply to
26 police departments or other law enforcement agencies. In
27 this Section, "law enforcement agency" means an agency of
28 the State or a unit of local government which is vested by
29 law or ordinance with the duty to maintain public order and
30 to enforce criminal laws or ordinances. "Law enforcement
31 agency" also means the Attorney General or any state's
32 attorney. The fee requirements of this Section shall not
33 apply to any action instituted under subsection (b) of
34 Section 11-31-1 of the Illinois Municipal Code by a private

1 owner or tenant of real property within 1200 feet of a
2 dangerous or unsafe building seeking an order compelling
3 the owner or owners of the building to take any of the
4 actions authorized under that subsection.

5 The fee requirements of this Section shall not apply to
6 the filing of any commitment petition or petition for an
7 order authorizing the administration of authorized
8 involuntary treatment in the form of medication under the
9 Mental Health and Developmental Disabilities Code.

10 (ee) Adoptions.

11 (1) For an adoption \$65

12 (2) Upon good cause shown, the court may waive the
13 adoption filing fee in a special needs adoption. The term
14 "special needs adoption" shall have the meaning ascribed to
15 it by the Illinois Department of Children and Family
16 Services.

17 (ff) Adoption exemptions.

18 No fee other than that set forth in subsection (ee)
19 shall be charged to any person in connection with an
20 adoption proceeding nor may any fee be charged for
21 proceedings for the appointment of a confidential
22 intermediary under the Adoption Act.

23 (gg) Unpaid fees.

24 Unless a court ordered payment schedule is implemented
25 or the fee requirements of this Section are waived pursuant
26 to court order, the clerk of the court may add to any
27 unpaid fees and costs under this Section a delinquency
28 amount equal to 5% of the unpaid fees that remain unpaid
29 after 30 days, 10% of the unpaid fees that remain unpaid
30 after 60 days, and 15% of the unpaid fees that remain
31 unpaid after 90 days. Notice to those parties may be made
32 by signage posting or publication. The clerk of the court
33 may after a period of 90 days release to credit reporting
34 agencies information regarding unpaid amounts. The

1 additional delinquency amounts collected under this
2 Section shall be used to defray additional administrative
3 costs incurred by the clerk of the circuit court in
4 collecting unpaid fees and costs.

5 (Source: P.A. 92-16, eff. 6-28-01; 92-521, eff. 6-1-02; 93-385,
6 eff. 7-25-03; 93-573, eff. 8-21-03; revised 9-8-03.)

7 (705 ILCS 105/27.2a) (from Ch. 25, par. 27.2a)

8 Sec. 27.2a. The fees of the clerks of the circuit court in
9 all counties having a population of 3,000,000 or more
10 inhabitants in the instances described in this Section shall be
11 as provided in this Section. In those instances where a minimum
12 and maximum fee is stated, the clerk of the circuit court must
13 charge the minimum fee listed and may charge up to the maximum
14 fee if the county board has by resolution increased the fee.
15 The fees shall be paid in advance and shall be as follows:

16 (a) Civil Cases.

17 The fee for filing a complaint, petition, or other
18 pleading initiating a civil action, with the following
19 exceptions, shall be a minimum of \$190 and a maximum of
20 \$240.

21 (A) When the amount of money or damages or the
22 value of personal property claimed does not exceed
23 \$250, a minimum of \$15 and a maximum of \$22.

24 (B) When that amount exceeds \$250 but does not
25 exceed \$1000, a minimum of \$40 and a maximum of \$75.

26 (C) When that amount exceeds \$1000 but does not
27 exceed \$2500, a minimum of \$50 and a maximum of \$80.

28 (D) When that amount exceeds \$2500 but does not
29 exceed \$5000, a minimum of \$100 and a maximum of \$130.

30 (E) When that amount exceeds \$5000 but does not
31 exceed \$15,000, \$150.

32 (F) For the exercise of eminent domain, \$150. For
33 each additional lot or tract of land or right or

1 interest therein subject to be condemned, the damages
2 in respect to which shall require separate assessment
3 by a jury, \$150.

4 (G) For the final determination of parking,
5 standing, and compliance violations and final
6 administrative decisions issued after hearings
7 regarding vehicle immobilization and impoundment made
8 pursuant to Sections 3-704.1, 6-306.5, and 11-208.3 of
9 the Illinois Vehicle Code, \$25.

10 (H) No fees shall be charged by the clerk to a
11 petitioner in any order of protection including, but
12 not limited to, filing, modifying, withdrawing,
13 certifying, or photocopying petitions for orders of
14 protection, or for issuing alias summons, or for any
15 related filing service, certifying, modifying,
16 vacating, or photocopying any orders of protection.

17 (b) Forcible Entry and Detainer.

18 In each forcible entry and detainer case when the
19 plaintiff seeks possession only or unites with his or her
20 claim for possession of the property a claim for rent or
21 damages or both in the amount of \$15,000 or less, a minimum
22 of \$75 and a maximum of \$140. When the plaintiff unites his
23 or her claim for possession with a claim for rent or
24 damages or both exceeding \$15,000, a minimum of \$225 and a
25 maximum of \$335.

26 (c) Counterclaim or Joining Third Party Defendant.

27 When any defendant files a counterclaim as part of his
28 or her answer or otherwise or joins another party as a
29 third party defendant, or both, the defendant shall pay a
30 fee for each counterclaim or third party action in an
31 amount equal to the fee he or she would have had to pay had
32 he or she brought a separate action for the relief sought
33 in the counterclaim or against the third party defendant,
34 less the amount of the appearance fee, if that has been

1 paid.

2 (d) Confession of Judgment.

3 In a confession of judgment when the amount does not
4 exceed \$1500, a minimum of \$60 and a maximum of \$70. When
5 the amount exceeds \$1500, but does not exceed \$5000, a
6 minimum of \$75 and a maximum of \$150. When the amount
7 exceeds \$5000, but does not exceed \$15,000, a minimum of
8 \$175 and a maximum of \$260. When the amount exceeds
9 \$15,000, a minimum of \$250 and a maximum of \$310.

10 (e) Appearance.

11 The fee for filing an appearance in each civil case
12 shall be a minimum of \$75 and a maximum of \$110, except as
13 follows:

14 (A) When the plaintiff in a forcible entry and
15 detrainer case seeks possession only, a minimum of \$40
16 and a maximum of \$80.

17 (B) When the amount in the case does not exceed
18 \$1500, a minimum of \$40 and a maximum of \$80.

19 (C) When that amount exceeds \$1500 but does not
20 exceed \$15,000, a minimum of \$60 and a maximum of \$90.

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

22 In garnishment affidavit, wage deduction affidavit,
23 and citation petition when the amount does not exceed
24 \$1,000, a minimum of \$15 and a maximum of \$25; when the
25 amount exceeds \$1,000 but does not exceed \$5,000, a minimum
26 of \$30 and a maximum of \$45; and when the amount exceeds
27 \$5,000, a minimum of \$50 and a maximum of \$80.

28 (g) Petition to Vacate or Modify.

29 (1) Petition to vacate or modify any final judgment or
30 order of court, except in forcible entry and detainer cases
31 and small claims cases or a petition to reopen an estate,
32 to modify, terminate, or enforce a judgment or order for
33 child or spousal support, or to modify, suspend, or
34 terminate an order for withholding, if filed before 30 days

1 after the entry of the judgment or order, a minimum of \$50
2 and a maximum of \$60.

3 (2) Petition to vacate or modify any final judgment or
4 order of court, except a petition to modify, terminate, or
5 enforce a judgment or order for child or spousal support or
6 to modify, suspend, or terminate an order for withholding,
7 if filed later than 30 days after the entry of the judgment
8 or order, a minimum of \$75 and a maximum of \$90.

9 (3) Petition to vacate order of bond forfeiture, a
10 minimum of \$40 and a maximum of \$80.

11 (h) Mailing.

12 When the clerk is required to mail, the fee will be a
13 minimum of \$10 and a maximum of \$15, plus the cost of
14 postage.

15 (i) Certified Copies.

16 Each certified copy of a judgment after the first,
17 except in small claims and forcible entry and detainer
18 cases, a minimum of \$15 and a maximum of \$20.

19 (j) Habeas Corpus.

20 For filing a petition for relief by habeas corpus, a
21 minimum of \$125 and a maximum of \$190.

22 (k) Certification, Authentication, and Reproduction.

23 (1) Each certification or authentication for taking
24 the acknowledgment of a deed or other instrument in writing
25 with the seal of office, a minimum of \$6 and a maximum of
26 \$9.

27 (2) Court appeals when original documents are
28 forwarded, under 100 pages, plus delivery and costs, a
29 minimum of \$75 and a maximum of \$110.

30 (3) Court appeals when original documents are
31 forwarded, over 100 pages, plus delivery and costs, a
32 minimum of \$150 and a maximum of \$185.

33 (4) Court appeals when original documents are
34 forwarded, over 200 pages, an additional fee of a minimum

1 of 25 and a maximum of 30 cents per page.

2 (5) For reproduction of any document contained in the
3 clerk's files:

4 (A) First page, \$2.

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

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

7 (l) Remands.

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

18 (m) Record Search.

19 For each record search, within a division or municipal
20 district, the clerk shall be entitled to a search fee of a
21 minimum of \$6 and a maximum of \$9 for each year searched.

22 (n) Hard Copy.

23 For each page of hard copy print output, when case
24 records are maintained on an automated medium, the clerk
25 shall be entitled to a fee of a minimum of \$6 and a maximum
26 of \$9.

27 (o) Index Inquiry and Other Records.

28 No fee shall be charged for a single
29 plaintiff/defendant index inquiry or single case record
30 inquiry when this request is made in person and the records
31 are maintained in a current automated medium, and when no
32 hard copy print output is requested. The fees to be charged
33 for management records, multiple case records, and
34 multiple journal records may be specified by the Chief

1 Judge pursuant to the guidelines for access and
2 dissemination of information approved by the Supreme
3 Court.

4 (p) (Blank).

5 (q) Alias Summons.

6 For each alias summons or citation issued by the clerk,
7 a minimum of \$5 and a maximum of \$6.

8 (r) Other Fees.

9 Any fees not covered in this Section shall be set by
10 rule or administrative order of the Circuit Court with the
11 approval of the Administrative Office of the Illinois
12 Courts.

13 The clerk of the circuit court may provide additional
14 services for which there is no fee specified by statute in
15 connection with the operation of the clerk's office as may
16 be requested by the public and agreed to by the clerk and
17 approved by the chief judge of the circuit court. Any
18 charges for additional services shall be as agreed to
19 between the clerk and the party making the request and
20 approved by the chief judge of the circuit court. Nothing
21 in this subsection shall be construed to require any clerk
22 to provide any service not otherwise required by law.

23 (s) Jury Services.

24 The clerk shall be entitled to receive, in addition to
25 other fees allowed by law, the sum of a minimum of \$212.50
26 and maximum of \$230, as a fee for the services of a jury in
27 every civil action not quasi-criminal in its nature and not
28 a proceeding for the exercise of the right of eminent
29 domain and in every other action wherein the right of trial
30 by jury is or may be given by law. The jury fee shall be
31 paid by the party demanding a jury at the time of filing
32 the jury demand. If the fee is not paid by either party, no
33 jury shall be called in the action or proceeding, and the
34 same shall be tried by the court without a jury.

1 (t) Voluntary Assignment.

2 For filing each deed of voluntary assignment, a minimum
3 of \$20 and a maximum of \$40; for recording the same, a
4 minimum of 50¢ and a maximum of \$0.80 for each 100 words.
5 Exceptions filed to claims presented to an assignee of a
6 debtor who has made a voluntary assignment for the benefit
7 of creditors shall be considered and treated, for the
8 purpose of taxing costs therein, as actions in which the
9 party or parties filing the exceptions shall be considered
10 as party or parties plaintiff, and the claimant or
11 claimants as party or parties defendant, and those parties
12 respectively shall pay to the clerk the same fees as
13 provided by this Section to be paid in other actions.

14 (u) Expungement Petition.

15 The clerk shall be entitled to receive a fee of a
16 minimum of \$60 and a maximum of \$120 for each expungement
17 petition filed and an additional fee of a minimum of \$4 and
18 a maximum of \$8 for each certified copy of an order to
19 expunge arrest records.

20 (v) Probate.

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

25 (1) For administration of the estate of a decedent
26 (whether testate or intestate) or of a missing person, a
27 minimum of \$150 and a maximum of \$225, plus the fees
28 specified in subsection (v) (3), except:

29 (A) When the value of the real and personal
30 property does not exceed \$15,000, the fee shall be a
31 minimum of \$40 and a maximum of \$65.

32 (B) When (i) proof of heirship alone is made, (ii)
33 a domestic or foreign will is admitted to probate
34 without administration (including proof of heirship),

1 or (iii) letters of office are issued for a particular
2 purpose without administration of the estate, the fee
3 shall be a minimum of \$40 and a maximum of \$65.

4 (2) For administration of the estate of a ward, a
5 minimum of \$75 and a maximum of \$110, plus the fees
6 specified in subsection (v) (3), except:

7 (A) When the value of the real and personal
8 property does not exceed \$15,000, the fee shall be a
9 minimum of \$40 and a maximum of \$65.

10 (B) When (i) letters of office are issued to a
11 guardian of the person or persons, but not of the
12 estate or (ii) letters of office are issued in the
13 estate of a ward without administration of the estate,
14 including filing or joining in the filing of a tax
15 return or releasing a mortgage or consenting to the
16 marriage of the ward, the fee shall be a minimum of \$20
17 and a maximum of \$40.

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

21 (A) For each account (other than one final account)
22 filed in the estate of a decedent, or ward, a minimum
23 of \$25 and a maximum of \$40.

24 (B) For filing a claim in an estate when the amount
25 claimed is \$150 or more but less than \$500, a minimum
26 of \$20 and a maximum of \$40; when the amount claimed is
27 \$500 or more but less than \$10,000, a minimum of \$40
28 and a maximum of \$65; when the amount claimed is
29 \$10,000 or more, a minimum of \$60 and a maximum of \$90;
30 provided that the court in allowing a claim may add to
31 the amount allowed the filing fee paid by the claimant.

32 (C) For filing in an estate a claim, petition, or
33 supplemental proceeding based upon an action seeking
34 equitable relief including the construction or contest

1 of a will, enforcement of a contract to make a will,
2 and proceedings involving testamentary trusts or the
3 appointment of testamentary trustees, a minimum of \$60
4 and a maximum of \$90.

5 (D) For filing in an estate (i) the appearance of
6 any person for the purpose of consent or (ii) the
7 appearance of an executor, administrator,
8 administrator to collect, guardian, guardian ad litem,
9 or special administrator, no fee.

10 (E) Except as provided in subsection (v) (3) (D),
11 for filing the appearance of any person or persons, a
12 minimum of \$30 and a maximum of \$90.

13 (F) For each jury demand, a minimum of \$137.50 and
14 a maximum of \$180.

15 (G) For disposition of the collection of a judgment
16 or settlement of an action or claim for wrongful death
17 of a decedent or of any cause of action of a ward, when
18 there is no other administration of the estate, a
19 minimum of \$50 and a maximum of \$80, less any amount
20 paid under subsection (v) (1) (B) or (v) (2) (B) except
21 that if the amount involved does not exceed \$5,000, the
22 fee, including any amount paid under subsection
23 (v) (1) (B) or (v) (2) (B), shall be a minimum of \$20 and a
24 maximum of \$40.

25 (H) For each certified copy of letters of office,
26 of court order or other certification, a minimum of \$2
27 and a maximum of \$4, plus \$1 per page in excess of 3
28 pages for the document certified.

29 (I) For each exemplification, \$2, plus the fee for
30 certification.

31 (4) The executor, administrator, guardian, petitioner,
32 or other interested person or his or her attorney shall pay
33 the cost of publication by the clerk directly to the
34 newspaper.

1 (5) The person on whose behalf a charge is incurred for
2 witness, court reporter, appraiser, or other miscellaneous
3 fee shall pay the same directly to the person entitled
4 thereto.

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

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

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

14 (A) Felony complaints, a minimum of \$125 and a
15 maximum of \$190.

16 (B) Misdemeanor complaints, a minimum of \$75 and a
17 maximum of \$110.

18 (C) Business offense complaints, a minimum of \$75
19 and a maximum of \$110.

20 (D) Petty offense complaints, a minimum of \$75 and
21 a maximum of \$110.

22 (E) Minor traffic or ordinance violations, \$30.

23 (F) When court appearance required, \$50.

24 (G) Motions to vacate or amend final orders, a
25 minimum of \$40 and a maximum of \$80.

26 (H) Motions to vacate bond forfeiture orders, a
27 minimum of \$30 and a maximum of \$45.

28 (I) Motions to vacate ex parte judgments, whenever
29 filed, a minimum of \$30 and a maximum of \$45.

30 (J) Motions to vacate judgment on forfeitures,
31 whenever filed, a minimum of \$25 and a maximum of \$30.

32 (K) Motions to vacate "failure to appear" or
33 "failure to comply" notices sent to the Secretary of
34 State, a minimum of \$40 and a maximum of \$50.

1 (2) In counties having a population of 3,000,000 or
2 more, when the violation complaint is issued by a municipal
3 police department, the clerk shall be entitled to costs
4 from each person convicted therein as follows:

5 (A) Minor traffic or ordinance violations, \$30.

6 (B) When court appearance required, \$50.

7 (3) In ordinance violation cases punishable by fine
8 only, the clerk of the circuit court shall be entitled to
9 receive, unless the fee is excused upon a finding by the
10 court that the defendant is indigent, in addition to other
11 fees or costs allowed or imposed by law, the sum of a
12 minimum of \$112.50 and a maximum of \$250 as a fee for the
13 services of a jury. The jury fee shall be paid by the
14 defendant at the time of filing his or her jury demand. If
15 the fee is not so paid by the defendant, no jury shall be
16 called, and the case shall be tried by the court without a
17 jury.

18 (x) Transcripts of Judgment.

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

22 (y) Change of Venue.

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

26 (2) The fee for the preparation and certification of a
27 record on a change of venue to another jurisdiction, when
28 original documents are forwarded, a minimum of \$40 and a
29 maximum of \$65.

30 (z) Tax objection complaints.

31 For each tax objection complaint containing one or more
32 tax objections, regardless of the number of parcels
33 involved or the number of taxpayers joining in the
34 complaint, a minimum of \$50 and a maximum of \$100.

1 (aa) Tax Deeds.

2 (1) Petition for tax deed, if only one parcel is
3 involved, a minimum of \$250 and a maximum of \$400.

4 (2) For each additional parcel, add a fee of a minimum
5 of \$100 and a maximum of \$200.

6 (bb) Collections.

7 (1) For all collections made of others, except the
8 State and county and except in maintenance or child support
9 cases, a sum equal to 3.0% of the amount collected and
10 turned over.

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

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

17 (4) In child support and maintenance cases, the clerk,
18 if authorized by an ordinance of the county board, may
19 collect an annual fee of up to \$36 from the person making
20 payment for maintaining child support records and the
21 processing of support orders to the State of Illinois KIDS
22 system and the recording of payments issued by the State
23 Disbursement Unit for the official record of the Court.
24 This fee shall be in addition to and separate from amounts
25 ordered to be paid as maintenance or child support and
26 shall be deposited into a Separate Maintenance and Child
27 Support Collection Fund, of which the clerk shall be the
28 custodian, ex-officio, to be used by the clerk to maintain
29 child support orders and record all payments issued by the
30 State Disbursement Unit for the official record of the
31 Court. The clerk may recover from the person making the
32 maintenance or child support payment any additional cost
33 incurred in the collection of this annual fee.

34 The clerk shall also be entitled to a fee of \$5 for

1 certifications made to the Secretary of State as provided
2 in Section 7-703 of the Family Financial Responsibility Law
3 and these fees shall also be deposited into the Separate
4 Maintenance and Child Support Collection Fund.

5 (cc) Corrections of Numbers.

6 For correction of the case number, case title, or
7 attorney computer identification number, if required by
8 rule of court, on any document filed in the clerk's office,
9 to be charged against the party that filed the document, a
10 minimum of \$25 and a maximum of \$40.

11 (dd) Exceptions.

12 (1) The fee requirements of this Section shall not
13 apply to police departments or other law enforcement
14 agencies. In this Section, "law enforcement agency" means
15 an agency of the State or a unit of local government which
16 is vested by law or ordinance with the duty to maintain
17 public order and to enforce criminal laws or ordinances.
18 "Law enforcement agency" also means the Attorney General or
19 any state's attorney.

20 (2) No fee provided herein shall be charged to any unit
21 of local government or school district. The fee
22 requirements of this Section shall not apply to any action
23 instituted under subsection (b) of Section 11-31-1 of the
24 Illinois Municipal Code by a private owner or tenant of
25 real property within 1200 feet of a dangerous or unsafe
26 building seeking an order compelling the owner or owners of
27 the building to take any of the actions authorized under
28 that subsection.

29 (3) The fee requirements of this Section shall not
30 apply to the filing of any commitment petition or petition
31 for an order authorizing the administration of authorized
32 involuntary treatment in the form of medication under the
33 Mental Health and Developmental Disabilities Code.

34 (ee) Adoption.

1 (1) For an adoption \$65

2 (2) Upon good cause shown, the court may waive the
3 adoption filing fee in a special needs adoption. The term
4 "special needs adoption" shall have the meaning ascribed to
5 it by the Illinois Department of Children and Family
6 Services.

7 (ff) Adoption exemptions.

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

13 (gg) Unpaid fees.

14 Unless a court ordered payment schedule is implemented
15 or the fee requirements of this Section are waived pursuant
16 to court order, the clerk of the court may add to any
17 unpaid fees and costs under this Section a delinquency
18 amount equal to 5% of the unpaid fees that remain unpaid
19 after 30 days, 10% of the unpaid fees that remain unpaid
20 after 60 days, and 15% of the unpaid fees that remain
21 unpaid after 90 days. Notice to those parties may be made
22 by signage posting or publication. The clerk of the court
23 may after a period of 90 days release to credit reporting
24 agencies information regarding unpaid amounts. The
25 additional delinquency amounts collected under this
26 Section shall be used to defray additional administrative
27 costs incurred by the clerk of the circuit court in
28 collecting unpaid fees and costs.

29 (Source: P.A. 92-521, eff. 6-1-02; 93-385, eff. 7-25-03;
30 93-573, eff. 8-21-03; revised 9-8-03.)

31 (705 ILCS 105/27.3b) (from Ch. 25, par. 27.3b)

32 Sec. 27.3b. The clerk of court may accept payment of fines,
33 penalties, or costs by credit card or debit card approved by

1 the clerk from an offender who has been convicted of or placed
2 on court supervision for a traffic offense, petty offense,
3 ordinance offense, or misdemeanor or who has been convicted of
4 a felony offense. The clerk of the circuit court may accept
5 credit card payments over the Internet for fines, penalties, or
6 costs from offenders on voluntary electronic pleas of guilty in
7 minor traffic and conservation offenses to satisfy the
8 requirement of written pleas of guilty as provided in Illinois
9 Supreme Court Rule 529. The clerk of the court may also accept
10 payment of statutory fees by a credit card or debit card. The
11 clerk of the court may also accept the credit card or debit
12 card for the cash deposit of bail bond fees ~~up to \$300~~.

13 The Clerk of the circuit court is authorized to enter into
14 contracts with credit card or debit card companies approved by
15 the clerk and to pay those companies fees normally charged by
16 those companies for allowing the clerk of the circuit court to
17 accept their credit cards or debit cards in payment as
18 authorized herein. Where the offender pays fines, penalties, or
19 costs by credit card or debit card, or anyone paying statutory
20 fees of the circuit court clerk or the posting of cash bail,
21 the clerk shall collect a service fee of up to \$5 or the amount
22 charged to the clerk for use of its services by the credit card
23 or debit card issuer. This service fee shall be in addition to
24 any other fines, penalties, or costs.

25 (Source: P.A. 93-391, eff. 1-1-04.)

26 Section 10. The Code of Criminal Procedure of 1963 is
27 amended by changing Section 110-7 as follows:

28 (725 ILCS 5/110-7) (from Ch. 38, par. 110-7)

29 Sec. 110-7. Deposit of Bail Security.

30 (a) The person for whom bail has been set shall execute the
31 bail bond and deposit with the clerk of the court before which
32 the proceeding is pending a sum of money equal to 10% of the

1 bail, but in no event shall such deposit be less than \$25. The
2 clerk of the court shall provide a space on each form for a
3 person other than the accused who has provided the money for
4 the posting of bail to so indicate and a space signed by an
5 accused who has executed the bail bond indicating whether a
6 person other than the accused has provided the money for the
7 posting of bail. The form shall also include a written notice
8 to such person who has provided the defendant with the money
9 for the posting of bail indicating that the bail may be used to
10 pay costs, attorney's fees, fines, or other purposes authorized
11 by the court and if the defendant fails to comply with the
12 conditions of the bail bond, the court shall enter an order
13 declaring the bail to be forfeited. The written notice must be:
14 (1) distinguishable from the surrounding text; (2) in bold type
15 or underscored; and (3) in a type size at least 2 points larger
16 than the surrounding type. When a person for whom bail has been
17 set is charged with an offense under the "Illinois Controlled
18 Substances Act" which is a Class X felony, the court may
19 require the defendant to deposit a sum equal to 100% of the
20 bail. Where any person is charged with a forcible felony while
21 free on bail and is the subject of proceedings under Section
22 109-3 of this Code the judge conducting the preliminary
23 examination may also conduct a hearing upon the application of
24 the State pursuant to the provisions of Section 110-6 of this
25 Code to increase or revoke the bail for that person's prior
26 alleged offense.

27 (b) Upon depositing this sum and any bond fee authorized by
28 law, the person shall be released from custody subject to the
29 conditions of the bail bond.

30 (c) Once bail has been given and a charge is pending or is
31 thereafter filed in or transferred to a court of competent
32 jurisdiction the latter court shall continue the original bail
33 in that court subject to the provisions of Section 110-6 of
34 this Code.

1 (d) After conviction the court may order that the original
2 bail stand as bail pending appeal or deny, increase or reduce
3 bail subject to the provisions of Section 110-6.2.

4 (e) After the entry of an order by the trial court allowing
5 or denying bail pending appeal either party may apply to the
6 reviewing court having jurisdiction or to a justice thereof
7 sitting in vacation for an order increasing or decreasing the
8 amount of bail or allowing or denying bail pending appeal
9 subject to the provisions of Section 110-6.2.

10 (f) When the conditions of the bail bond have been
11 performed and the accused has been discharged from all
12 obligations in the cause the clerk of the court shall return to
13 the accused or to the defendant's designee by an assignment
14 executed at the time the bail amount is deposited, unless the
15 court orders otherwise, 90% of the sum which had been deposited
16 and shall retain as bail bond costs 10% of the amount
17 deposited. However, in no event shall the amount retained by
18 the clerk as bail bond costs be less than \$5. Bail bond
19 deposited by or on behalf of a defendant in one case may be
20 used, in the court's discretion, to satisfy financial
21 obligations of that same defendant incurred in a different case
22 due to a fine, court costs, restitution or fees of the
23 defendant's attorney of record. In counties with a population
24 of 3,000,000 or more, the ~~The~~ court shall not order bail bond
25 deposited by or on behalf of a defendant in one case to be used
26 to satisfy financial obligations of that same defendant in a
27 different case until the bail bond is first used to satisfy
28 court costs and attorney's fees in the case in which the bail
29 bond has been deposited and any other unpaid child support
30 obligations are satisfied. In counties with a population of
31 less than 3,000,000, the court shall not order bail bond
32 deposited by or on behalf of a defendant in one case to be used
33 to satisfy financial obligations of that same defendant in a
34 different case until the bail bond is first used to satisfy

1 court costs in the case in which the bail bond has been
2 deposited.

3 At the request of the defendant the court may order such
4 90% of defendant's bail deposit, or whatever amount is
5 repayable to defendant from such deposit, to be paid to
6 defendant's attorney of record.

7 (g) If the accused does not comply with the conditions of
8 the bail bond the court having jurisdiction shall enter an
9 order declaring the bail to be forfeited. Notice of such order
10 of forfeiture shall be mailed forthwith to the accused at his
11 last known address. If the accused does not appear and
12 surrender to the court having jurisdiction within 30 days from
13 the date of the forfeiture or within such period satisfy the
14 court that appearance and surrender by the accused is
15 impossible and without his fault the court shall enter judgment
16 for the State if the charge for which the bond was given was a
17 felony or misdemeanor, or if the charge was quasi-criminal or
18 traffic, judgment for the political subdivision of the State
19 which prosecuted the case, against the accused for the amount
20 of the bail and costs of the court proceedings; however, in
21 counties with a population of less than 3,000,000, instead of
22 the court entering a judgment for the full amount of the bond
23 the court may, in its discretion, enter judgment for the cash
24 deposit on the bond, less costs, retain the deposit for further
25 disposition or, if a cash bond was posted for failure to appear
26 in a matter involving enforcement of child support or
27 maintenance, the amount of the cash deposit on the bond, less
28 outstanding costs, may be awarded to the person or entity to
29 whom the child support or maintenance is due. The deposit made
30 in accordance with paragraph (a) shall be applied to the
31 payment of costs. If judgment is entered and any amount of such
32 deposit remains after the payment of costs it shall be applied
33 to payment of the judgment and transferred to the treasury of
34 the municipal corporation wherein the bond was taken if the

1 offense was a violation of any penal ordinance of a political
2 subdivision of this State, or to the treasury of the county
3 wherein the bond was taken if the offense was a violation of
4 any penal statute of this State. The balance of the judgment
5 may be enforced and collected in the same manner as a judgment
6 entered in a civil action.

7 (h) After a judgment for a fine and court costs or either
8 is entered in the prosecution of a cause in which a deposit had
9 been made in accordance with paragraph (a) the balance of such
10 deposit, after deduction of bail bond costs, shall be applied
11 to the payment of the judgment.

12 (Source: P.A. 92-16, eff. 6-28-01; 93-371, eff. 1-1-04.)".