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09600HB4002ham001

LRB096 09872 AJO 27268 a

1 AMENDMENT TO HOUSE BILL 4002

2 AMENDMENT NO. _____. Amend House Bill 4002 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Counties Code is amended by changing
5 Section 4-11001 as follows:

6 (55 ILCS 5/4-11001) (from Ch. 34, par. 4-11001)

7 Sec. 4-11001. Juror fees. Each county shall pay to grand
8 and petit jurors for their services in attending courts the sum
9 of \$4 until a juror fund fee is imposed and \$25 thereafter for
10 each day of necessary attendance at such courts as jurors in
11 counties of the first class, the sum of \$5 until a juror fund
12 fee is imposed and \$30 thereafter for each day in counties of
13 the second class, and the sum of \$10 until a juror fund fee is
14 imposed and \$40 thereafter for each day in counties of the
15 third class, or such higher amount as may be fixed by the
16 county board.

1 In addition, jurors shall receive such travel expense as
2 may be determined by the county board, provided that jurors in
3 counties of the first class and second class shall receive at
4 least 10 cents per mile for their travel expense. Mileage shall
5 be allowed for travel during a juror's term as well as for
6 travel at the opening and closing of his term.

7 If a judge so orders, a juror shall also receive
8 reimbursement for the actual cost of day care incurred by the
9 juror during his or her service on a jury.

10 The juror fees for service, transportation, and day care
11 shall be paid out of the county treasury until a juror fund fee
12 is imposed and out of the County Juror Fund thereafter.

13 For the purpose of funding juror fees, the clerk of the
14 court shall collect in each civil action filed after January 1,
15 2010, a juror fund fee, as fixed by the county board, equally
16 from each side. If there is more than one party on any side,
17 the juror fund fee for that side shall be equally divided among
18 those on that side. Within 180 days after the effective date of
19 this amendatory Act of the 96th General Assembly, the county
20 board must conduct an acceptable cost study and set and impose
21 an initial juror fund fee of no more than \$50 justified by that
22 cost study as sufficient to pay the increased amount of the
23 juror fees as provided in this amendatory Act of the 96th
24 General Assembly. The county board may thereafter adjust the
25 amount of the juror fund fee, provided that the adjusted juror
26 fund fee must not exceed \$50 and must be justified by an

1 acceptable cost study showing that the then current fee is not
2 sufficient to cover the costs of juror fees.

3 The clerk shall deposit all of the juror fund fees
4 collected into a special county fund, the County Juror Fund,
5 which shall be used solely for the purpose of funding juror
6 fees in accordance with this Section. Within 10 business days
7 after the juror fund fee is initially imposed, and each month
8 thereafter, the county treasurer must transfer one-twelfth of
9 the base amount from the county treasury into the Fund. The
10 "base amount" is the total amount of all juror fees paid from
11 the county treasury during the 12-month period immediately
12 preceding the month in which the juror fund fee is initially
13 imposed. All moneys in the Fund and all income earned on those
14 moneys shall remain in the Fund and shall be available for
15 appropriation by the county board from fiscal year to fiscal
16 year for the purposes provided in this Section.

17 The following parties are exempt from payment of juror fund
18 fees:

19 (i) governmental entities;

20 (ii) pro se litigants;

21 (iii) parties to small claims actions;

22 (iv) parties seeking veterans' benefits or
23 compensation for a veteran or for a veteran's family member
24 or designee;

25 (v) parties to recoupment actions for
26 government-backed educational loans or mortgages;

1 (vi) parties to child custody or child support cases;
2 (vii) parties to actions under the Illinois Domestic
3 Violence Act of 1986;
4 (viii) parties granted leave to commence and prosecute
5 or to defend an action as a poor person without the payment
6 of costs and expenses; and
7 (ix) parties to any other filings designated by Supreme
8 Court rule that involve minimal use of court resources and
9 that are not customarily afforded the opportunity for a
10 trial by jury.

11 The clerk of the court shall furnish to each juror without
12 fee whenever the juror ~~he~~ is discharged a certificate of the
13 number of days' attendance at court, and upon presentation
14 thereof to the county treasurer, the county treasurer ~~he~~ shall
15 pay to the juror the sum provided for the juror's ~~his~~ service.

16 All counties, including home rule units, must comply with
17 the requirements of this Section. Juror fees may not be set,
18 administered, or paid in a manner inconsistent with this
19 Section. This Section is a limitation under subsection (i) of
20 Section 6 of Article VII of the Illinois Constitution on the
21 concurrent exercise by home rule units of powers and functions
22 exercised by the State.

23 (Source: P.A. 91-321, eff. 1-1-00.)

24 Section 10. The Clerks of Courts Act is amended by changing
25 Sections 27.1a, 27.2, and 27.2a as follows:

1 (705 ILCS 105/27.1a) (from Ch. 25, par. 27.1a)

2 Sec. 27.1a. The fees of the clerks of the circuit court in
3 all counties having a population of not more than 500,000
4 inhabitants in the instances described in this Section shall be
5 as provided in this Section. In those instances where a minimum
6 and maximum fee is stated, the clerk of the circuit court must
7 charge the minimum fee listed and may charge up to the maximum
8 fee if the county board has by resolution increased the fee.
9 The fees shall be paid in advance and shall be as follows:

10 (a) Civil Cases.

11 The fee for filing a complaint, petition, or other
12 pleading initiating a civil action, with the following
13 exceptions, shall be a minimum of \$40 and a maximum of
14 \$160.

15 (A) When the amount of money or damages or the
16 value of personal property claimed does not exceed
17 \$250, \$10.

18 (B) When that amount exceeds \$250 but does not
19 exceed \$500, a minimum of \$10 and a maximum of \$20.

20 (C) When that amount exceeds \$500 but does not
21 exceed \$2500, a minimum of \$25 and a maximum of \$40.

22 (D) When that amount exceeds \$2500 but does not
23 exceed \$15,000, a minimum of \$25 and a maximum of \$75.

24 (E) For the exercise of eminent domain, a minimum
25 of \$45 and a maximum of \$150. For each additional lot

1 or tract of land or right or interest therein subject
2 to be condemned, the damages in respect to which shall
3 require separate assessment by a jury, a minimum of \$45
4 and a maximum of \$150.

5 (a-1) Family.

6 For filing a petition under the Juvenile Court Act of
7 1987, \$25.

8 For filing a petition for a marriage license, \$10.

9 For performing a marriage in court, \$10.

10 For filing a petition under the Illinois Parentage Act
11 of 1984, \$40.

12 (b) Forcible Entry and Detainer.

13 In each forcible entry and detainer case when the
14 plaintiff seeks possession only or unites with his or her
15 claim for possession of the property a claim for rent or
16 damages or both in the amount of \$15,000 or less, a minimum
17 of \$10 and a maximum of \$50. When the plaintiff unites his
18 or her claim for possession with a claim for rent or
19 damages or both exceeding \$15,000, a minimum of \$40 and a
20 maximum of \$160.

21 (c) Counterclaim or Joining Third Party Defendant.

22 When any defendant files a counterclaim as part of his
23 or her answer or otherwise or joins another party as a
24 third party defendant, or both, the defendant shall pay a
25 fee for each counterclaim or third party action in an
26 amount equal to the fee he or she would have had to pay had

1 he or she brought a separate action for the relief sought
2 in the counterclaim or against the third party defendant,
3 less the amount of the appearance fee, if that has been
4 paid.

5 (d) Confession of Judgment.

6 In a confession of judgment when the amount does not
7 exceed \$1500, a minimum of \$20 and a maximum of \$50. When
8 the amount exceeds \$1500, but does not exceed \$15,000, a
9 minimum of \$40 and a maximum of \$115. When the amount
10 exceeds \$15,000, a minimum of \$40 and a maximum of \$200.

11 (e) Appearance.

12 The fee for filing an appearance in each civil case
13 shall be a minimum of \$15 and a maximum of \$60, except as
14 follows:

15 (A) When the plaintiff in a forcible entry and
16 detainer case seeks possession only, a minimum of \$10
17 and a maximum of \$50.

18 (B) When the amount in the case does not exceed
19 \$1500, a minimum of \$10 and a maximum of \$30.

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

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

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

1 of \$5 and a maximum of \$30; and when the amount exceeds
2 \$5,000, a minimum of \$5 and a maximum of \$50.

3 (g) Petition to Vacate or Modify.

4 (1) Petition to vacate or modify any final judgment or
5 order of court, except in forcible entry and detainer cases
6 and small claims cases or a petition to reopen an estate,
7 to modify, terminate, or enforce a judgment or order for
8 child or spousal support, or to modify, suspend, or
9 terminate an order for withholding, if filed before 30 days
10 after the entry of the judgment or order, a minimum of \$20
11 and a maximum of \$50.

12 (2) Petition to vacate or modify any final judgment or
13 order of court, except a petition to modify, terminate, or
14 enforce a judgment or order for child or spousal support or
15 to modify, suspend, or terminate an order for withholding,
16 if filed later than 30 days after the entry of the judgment
17 or order, a minimum of \$20 and a maximum of \$75.

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

20 (h) Mailing.

21 When the clerk is required to mail, the fee will be a
22 minimum of \$2 and a maximum of \$10, plus the cost of
23 postage.

24 (i) Certified Copies.

25 Each certified copy of a judgment after the first,
26 except in small claims and forcible entry and detainer

1 cases, a minimum of \$2 and a maximum of \$10.

2 (j) Habeas Corpus.

3 For filing a petition for relief by habeas corpus, a
4 minimum of \$60 and a maximum of \$100.

5 (k) Certification, Authentication, and Reproduction.

6 (1) Each certification or authentication for taking
7 the acknowledgment of a deed or other instrument in writing
8 with the seal of office, a minimum of \$2 and a maximum of
9 \$6.

10 (2) Court appeals when original documents are
11 forwarded, under 100 pages, plus delivery and costs, a
12 minimum of \$20 and a maximum of \$60.

13 (3) Court appeals when original documents are
14 forwarded, over 100 pages, plus delivery and costs, a
15 minimum of \$50 and a maximum of \$150.

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

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

21 (A) First page, a minimum of \$1 and a maximum of
22 \$2.

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

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

25 (l) Remands.

26 In any cases remanded to the Circuit Court from the

1 Supreme Court or the Appellate Court for a new trial, the
2 clerk shall file the remanding order and reinstate the case
3 with either its original number or a new number. The Clerk
4 shall not charge any new or additional fee for the
5 reinstatement. Upon reinstatement the Clerk shall advise
6 the parties of the reinstatement. A party shall have the
7 same right to a jury trial on remand and reinstatement as
8 he or she had before the appeal, and no additional or new
9 fee or charge shall be made for a jury trial after remand.

10 (m) Record Search.

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

14 (n) Hard Copy.

15 For each page of hard copy print output, when case
16 records are maintained on an automated medium, the clerk
17 shall be entitled to a fee of a minimum of \$4 and a maximum
18 of \$6.

19 (o) Index Inquiry and Other Records.

20 No fee shall be charged for a single
21 plaintiff/defendant index inquiry or single case record
22 inquiry when this request is made in person and the records
23 are maintained in a current automated medium, and when no
24 hard copy print output is requested. The fees to be charged
25 for management records, multiple case records, and
26 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 \$2 and a maximum of \$5.

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) (Blank). ~~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 \$62.50~~
26 ~~and a maximum of \$212.50, as a fee for the services of a~~

1 ~~jury in every civil action not quasi-criminal in its nature~~
2 ~~and not a proceeding for the exercise of the right of~~
3 ~~eminent domain and in every other action wherein the right~~
4 ~~of trial by jury is or may be given by law. The jury fee~~
5 ~~shall be paid by the party demanding a jury at the time of~~
6 ~~filing the jury demand. If the fee is not paid by either~~
7 ~~party, no jury shall be called in the action or proceeding,~~
8 ~~and the same shall be tried by the court without a jury.~~

9 (t) Voluntary Assignment.

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

22 (u) Expungement Petition.

23 The clerk shall be entitled to receive a fee of a
24 minimum of \$15 and a maximum of \$60 for each expungement
25 petition filed and an additional fee of a minimum of \$2 and
26 a maximum of \$4 for each certified copy of an order to

1 expunge arrest records.

2 (v) Probate.

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

7 (1) For administration of the estate of a decedent
8 (whether testate or intestate) or of a missing person, a
9 minimum of \$50 and a maximum of \$150, plus the fees
10 specified in subsection (v) (3), except:

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

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

20 (C) For filing a petition to sell Real Estate, \$50.

21 (2) For administration of the estate of a ward, a
22 minimum of \$50 and a maximum of \$75, plus the fees
23 specified in subsection (v) (3), except:

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

1 (B) When (i) letters of office are issued to a
2 guardian of the person or persons, but not of the
3 estate or (ii) letters of office are issued in the
4 estate of a ward without administration of the estate,
5 including filing or joining in the filing of a tax
6 return or releasing a mortgage or consenting to the
7 marriage of the ward, the fee shall be a minimum of \$10
8 and a maximum of \$20.

9 (C) For filing a Petition to sell Real Estate, \$50.

10 (3) In addition to the fees payable under subsection
11 (v) (1) or (v) (2) of this Section, the following fees are
12 payable:

13 (A) For each account (other than one final account)
14 filed in the estate of a decedent, or ward, a minimum
15 of \$10 and a maximum of \$25.

16 (B) For filing a claim in an estate when the amount
17 claimed is \$150 or more but less than \$500, a minimum
18 of \$10 and a maximum of \$25; when the amount claimed is
19 \$500 or more but less than \$10,000, a minimum of \$10
20 and a maximum of \$40; when the amount claimed is
21 \$10,000 or more, a minimum of \$10 and a maximum of \$60;
22 provided that the court in allowing a claim may add to
23 the amount allowed the filing fee paid by the claimant.

24 (C) For filing in an estate a claim, petition, or
25 supplemental proceeding based upon an action seeking
26 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 \$40
4 and a maximum of \$60.

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 \$10 and a maximum of \$30.

13 (F) (Blank). ~~For each jury demand, a minimum of~~
14 ~~\$62.50 and a maximum of \$137.50.~~

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 \$30 and a maximum of \$50, 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 \$10 and a
24 maximum of \$20.

25 (H) For each certified copy of letters of office,
26 of court order or other certification, a minimum of \$1

1 and a maximum of \$2, plus a minimum of 50 cents and a
2 maximum of \$1 per page in excess of 3 pages for the
3 document certified.

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

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

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

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

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

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

23 (A) Felony complaints, a minimum of \$40 and a
24 maximum of \$100.

25 (B) Misdemeanor complaints, a minimum of \$25 and a
26 maximum of \$75.

1 (C) Business offense complaints, a minimum of \$25
2 and a maximum of \$75.

3 (D) Petty offense complaints, a minimum of \$25 and
4 a maximum of \$75.

5 (E) Minor traffic or ordinance violations, \$10.

6 (F) When court appearance required, \$15.

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

9 (H) Motions to vacate bond forfeiture orders, a
10 minimum of \$20 and a maximum of \$40.

11 (I) Motions to vacate ex parte judgments, whenever
12 filed, a minimum of \$20 and a maximum of \$40.

13 (J) Motions to vacate judgment on forfeitures,
14 whenever filed, a minimum of \$20 and a maximum of \$40.

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

18 (2) In counties having a population of not more than
19 500,000 inhabitants, when the violation complaint is
20 issued by a municipal police department, the clerk shall be
21 entitled to costs from each person convicted therein as
22 follows:

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

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

25 (3) (Blank). ~~In ordinance violation cases punishable~~
26 ~~by fine only, the clerk of the circuit court shall be~~

1 ~~entitled to receive, unless the fee is excused upon a~~
2 ~~finding by the court that the defendant is indigent, in~~
3 ~~addition to other fees or costs allowed or imposed by law,~~
4 ~~the sum of a minimum of \$62.50 and a maximum of \$137.50 as~~
5 ~~a fee for the services of a jury. The jury fee shall be~~
6 ~~paid by the defendant at the time of filing his or her jury~~
7 ~~demand. If the fee is not so paid by the defendant, no jury~~
8 ~~shall be called, and the case shall be tried by the court~~
9 ~~without a jury.~~

10 (x) Transcripts of Judgment.

11 For the filing of a transcript of judgment, the clerk
12 shall be entitled to the same fee as if it were the
13 commencement of a new suit.

14 (y) Change of Venue.

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

18 (2) The fee for the preparation and certification of a
19 record on a change of venue to another jurisdiction, when
20 original documents are forwarded, a minimum of \$10 and a
21 maximum of \$40.

22 (z) Tax objection complaints.

23 For each tax objection complaint containing one or more
24 tax objections, regardless of the number of parcels
25 involved or the number of taxpayers joining on the
26 complaint, a minimum of \$10 and a maximum of \$50.

1 (aa) Tax Deeds.

2 (1) Petition for tax deed, if only one parcel is
3 involved, a minimum of \$45 and a maximum of \$200.

4 (2) For each additional parcel, add a fee of a minimum
5 of \$10 and a maximum of \$60.

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 a minimum of 2% and a maximum of 2.5%
10 of the amount collected and 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

1 Support Collection Fund, of which the clerk shall be the
2 custodian, ex-officio, to be used by the clerk to maintain
3 child support orders and record all payments issued by the
4 State Disbursement Unit for the official record of the
5 Court. The clerk may recover from the person making the
6 maintenance or child support payment any additional cost
7 incurred in the collection of this annual fee.

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

13 (cc) Corrections of Numbers.

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

19 (dd) Exceptions.

20 (1) The fee requirements of this Section shall not
21 apply to police departments or other law enforcement
22 agencies. In this Section, "law enforcement agency" means
23 an agency of the State or a unit of local government which
24 is vested by law or ordinance with the duty to maintain
25 public order and to enforce criminal laws or ordinances.
26 "Law enforcement agency" also means the Attorney General or

1 any state's attorney.

2 (2) No fee provided herein shall be charged to any unit
3 of local government or school district.

4 (3) The fee requirements of this Section shall not
5 apply to any action instituted under subsection (b) of
6 Section 11-31-1 of the Illinois Municipal Code by a private
7 owner or tenant of real property within 1200 feet of a
8 dangerous or unsafe building seeking an order compelling
9 the owner or owners of the building to take any of the
10 actions authorized under that subsection.

11 (4) The fee requirements of this Section shall not
12 apply to the filing of any commitment petition or petition
13 for an order authorizing the administration of
14 psychotropic medication or electroconvulsive therapy under
15 the Mental Health and Developmental Disabilities Code.

16 (ee) Adoptions.

17 (1) For an adoption \$65

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

23 (ff) Adoption exemptions.

24 No fee other than that set forth in subsection (ee)
25 shall be charged to any person in connection with an
26 adoption proceeding nor may any fee be charged for

1 proceedings for the appointment of a confidential
2 intermediary under the Adoption Act.

3 (Source: P.A. 95-172, eff. 8-14-07; 95-331, eff. 8-21-07.)

4 (705 ILCS 105/27.2) (from Ch. 25, par. 27.2)

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

18 (a) Civil Cases.

19 The fee for filing a complaint, petition, or other
20 pleading initiating a civil action, with the following
21 exceptions, shall be a minimum of \$150 and a maximum of
22 \$190.

23 (A) When the amount of money or damages or the
24 value of personal property claimed does not exceed
25 \$250, a minimum of \$10 and a maximum of \$15.

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

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

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

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

9 (E) For the exercise of eminent domain, \$150. For
10 each additional lot or tract of land or right or
11 interest therein subject to be condemned, the damages
12 in respect to which shall require separate assessment
13 by a jury, \$150.

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

21 (b) Forcible Entry and Detainer.

22 In each forcible entry and detainer case when the
23 plaintiff seeks possession only or unites with his or her
24 claim for possession of the property a claim for rent or
25 damages or both in the amount of \$15,000 or less, a minimum
26 of \$40 and a maximum of \$75. When the plaintiff unites his

1 or her claim for possession with a claim for rent or
2 damages or both exceeding \$15,000, a minimum of \$150 and a
3 maximum of \$225.

4 (c) Counterclaim or Joining Third Party Defendant.

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

14 (d) Confession of Judgment.

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

21 (e) Appearance.

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

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

1 and a maximum of \$40.

2 (B) When the amount in the case does not exceed
3 \$1500, a minimum of \$20 and a maximum of \$40.

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

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

8 In garnishment affidavit, wage deduction affidavit,
9 and citation petition when the amount does not exceed
10 \$1,000, a minimum of \$10 and a maximum of \$15; when the
11 amount exceeds \$1,000 but does not exceed \$5,000, a minimum
12 of \$20 and a maximum of \$30; and when the amount exceeds
13 \$5,000, a minimum of \$30 and a maximum of \$50.

14 (g) Petition to Vacate or Modify.

15 (1) Petition to vacate or modify any final judgment or
16 order of court, except in forcible entry and detainer cases
17 and small claims cases or a petition to reopen an estate,
18 to modify, terminate, or enforce a judgment or order for
19 child or spousal support, or to modify, suspend, or
20 terminate an order for withholding, if filed before 30 days
21 after the entry of the judgment or order, a minimum of \$40
22 and a maximum of \$50.

23 (2) Petition to vacate or modify any final judgment or
24 order of court, except a petition to modify, terminate, or
25 enforce a judgment or order for child or spousal support or
26 to modify, suspend, or terminate an order for withholding,

1 if filed later than 30 days after the entry of the judgment
2 or order, a minimum of \$60 and a maximum of \$75.

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

5 (h) Mailing.

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

9 (i) Certified Copies.

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

13 (j) Habeas Corpus.

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

16 (k) Certification, Authentication, and Reproduction.

17 (1) Each certification or authentication for taking
18 the acknowledgment of a deed or other instrument in writing
19 with the seal of office, a minimum of \$4 and a maximum of
20 \$6.

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

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

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

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

6 (A) First page, \$2.

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

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

9 (1) Remands.

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

20 (m) Record Search.

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

24 (n) Hard Copy.

25 For each page of hard copy print output, when case
26 records are maintained on an automated medium, the clerk

1 shall be entitled to a fee of a minimum of \$4 and a maximum
2 of \$6.

3 (o) Index Inquiry and Other Records.

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

14 (p) (Blank).

15 (q) Alias Summons.

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

18 (r) Other Fees.

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

23 The clerk of the circuit court may provide additional
24 services for which there is no fee specified by statute in
25 connection with the operation of the clerk's office as may
26 be requested by the public and agreed to by the clerk and

1 approved by the chief judge of the circuit court. Any
2 charges for additional services shall be as agreed to
3 between the clerk and the party making the request and
4 approved by the chief judge of the circuit court. Nothing
5 in this subsection shall be construed to require any clerk
6 to provide any service not otherwise required by law.

7 (s) (Blank). ~~Jury Services.~~

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

19 (t) Voluntary Assignment.

20 For filing each deed of voluntary assignment, a minimum
21 of \$10 and a maximum of \$20; for recording the same, a
22 minimum of 25¢ and a maximum of 50¢ for each 100 words.
23 Exceptions filed to claims presented to an assignee of a
24 debtor who has made a voluntary assignment for the benefit
25 of creditors shall be considered and treated, for the
26 purpose of taxing costs therein, as actions in which the

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

6 (u) Expungement Petition.

7 The clerk shall be entitled to receive a fee of a
8 minimum of \$30 and a maximum of \$60 for each expungement
9 petition filed and an additional fee of a minimum of \$2 and
10 a maximum of \$4 for each certified copy of an order to
11 expunge arrest records.

12 (v) Probate.

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

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

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

24 (B) When (i) proof of heirship alone is made, (ii)
25 a domestic or foreign will is admitted to probate
26 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 \$25 and a maximum of \$40.

4 (2) For administration of the estate of a ward, a
5 minimum of \$50 and a maximum of \$75, 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 \$25 and a maximum of \$40.

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 \$10
17 and a maximum of \$20.

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 \$15 and a maximum of \$25.

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 \$10 and a maximum of \$20; when the amount claimed is

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

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

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

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

21 (F) (Blank). ~~For each jury demand, a minimum of~~
22 ~~\$102.50 and a maximum of \$137.50.~~

23 (G) For disposition of the collection of a judgment
24 or settlement of an action or claim for wrongful death
25 of a decedent or of any cause of action of a ward, when
26 there is no other administration of the estate, a

1 minimum of \$30 and a maximum of \$50, less any amount
2 paid under subsection (v) (1) (B) or (v) (2) (B) except
3 that if the amount involved does not exceed \$5,000, the
4 fee, including any amount paid under subsection
5 (v) (1) (B) or (v) (2) (B), shall be a minimum of \$10 and a
6 maximum of \$20.

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

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

14 (4) The executor, administrator, guardian, petitioner,
15 or other interested person or his or her attorney shall pay
16 the cost of publication by the clerk directly to the
17 newspaper.

18 (5) The person on whose behalf a charge is incurred for
19 witness, court reporter, appraiser, or other miscellaneous
20 fee shall pay the same directly to the person entitled
21 thereto.

22 (6) The executor, administrator, guardian, petitioner,
23 or other interested person or his attorney shall pay to the
24 clerk all postage charges incurred by the clerk in mailing
25 petitions, orders, notices, or other documents pursuant to
26 the provisions of the Probate Act of 1975.

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (2) In counties having a population of more than

1 500,000 but fewer than 3,000,000 inhabitants, when the
2 violation complaint is issued by a municipal police
3 department, the clerk shall be entitled to costs from each
4 person convicted therein as follows:

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

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

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 \$50 and a maximum of \$112.50 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 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

1 record on a change of venue to another jurisdiction, when
2 original documents are forwarded, a minimum of \$25 and a
3 maximum of \$40.

4 (z) Tax objection complaints.

5 For each tax objection complaint containing one or more
6 tax objections, regardless of the number of parcels
7 involved or the number of taxpayers joining in the
8 complaint, a minimum of \$25 and a maximum of \$50.

9 (aa) Tax Deeds.

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

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

14 (bb) Collections.

15 (1) For all collections made of others, except the
16 State and county and except in maintenance or child support
17 cases, a sum equal to a minimum of 2.5% and a maximum of
18 3.0% of the amount collected and turned over.

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

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

25 (4) In child support and maintenance cases, the clerk,
26 if authorized by an ordinance of the county board, may

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

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

21 (cc) Corrections of Numbers.

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

1 (dd) Exceptions.

2 The fee requirements of this Section shall not apply to
 3 police departments or other law enforcement agencies. In
 4 this Section, "law enforcement agency" means an agency of
 5 the State or a unit of local government which is vested by
 6 law or ordinance with the duty to maintain public order and
 7 to enforce criminal laws or ordinances. "Law enforcement
 8 agency" also means the Attorney General or any state's
 9 attorney. The fee requirements of this Section shall not
 10 apply to any action instituted under subsection (b) of
 11 Section 11-31-1 of the Illinois Municipal Code by a private
 12 owner or tenant of real property within 1200 feet of a
 13 dangerous or unsafe building seeking an order compelling
 14 the owner or owners of the building to take any of the
 15 actions authorized under that subsection.

16 The fee requirements of this Section shall not apply to
 17 the filing of any commitment petition or petition for an
 18 order authorizing the administration of psychotropic
 19 medication or electroconvulsive therapy under the Mental
 20 Health and Developmental Disabilities Code.

21 (ee) Adoptions.

22 (1) For an adoption \$65

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

1 Services.

2 (ff) Adoption exemptions.

3 No fee other than that set forth in subsection (ee)
4 shall be charged to any person in connection with an
5 adoption proceeding nor may any fee be charged for
6 proceedings for the appointment of a confidential
7 intermediary under the Adoption Act.

8 (gg) Unpaid fees.

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

22 (Source: P.A. 95-172, eff. 8-14-07.)

23 (705 ILCS 105/27.2a) (from Ch. 25, par. 27.2a)

24 Sec. 27.2a. The fees of the clerks of the circuit court in
25 all counties having a population of 3,000,000 or more

1 inhabitants in the instances described in this Section shall be
2 as provided in this Section. In those instances where a minimum
3 and maximum fee is stated, the clerk of the circuit court must
4 charge the minimum fee listed and may charge up to the maximum
5 fee if the county board has by resolution increased the fee.
6 The fees shall be paid in advance and shall be as follows:

7 (a) Civil Cases.

8 The fee for filing a complaint, petition, or other
9 pleading initiating a civil action, with the following
10 exceptions, shall be a minimum of \$190 and a maximum of
11 \$240.

12 (A) When the amount of money or damages or the
13 value of personal property claimed does not exceed
14 \$250, a minimum of \$15 and a maximum of \$22.

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

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

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

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

23 (F) For the exercise of eminent domain, \$150. For
24 each additional lot or tract of land or right or
25 interest therein subject to be condemned, the damages
26 in respect to which shall require separate assessment

1 by a jury, \$150.

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

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

15 (b) Forcible Entry and Detainer.

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

24 (c) Counterclaim or Joining Third Party Defendant.

25 When any defendant files a counterclaim as part of his
26 or her answer or otherwise or joins another party as a

1 third party defendant, or both, the defendant shall pay a
2 fee for each counterclaim or third party action in an
3 amount equal to the fee he or she would have had to pay had
4 he or she brought a separate action for the relief sought
5 in the counterclaim or against the third party defendant,
6 less the amount of the appearance fee, if that has been
7 paid.

8 (d) Confession of Judgment.

9 In a confession of judgment when the amount does not
10 exceed \$1500, a minimum of \$60 and a maximum of \$70. When
11 the amount exceeds \$1500, but does not exceed \$5000, a
12 minimum of \$75 and a maximum of \$150. When the amount
13 exceeds \$5000, but does not exceed \$15,000, a minimum of
14 \$175 and a maximum of \$260. When the amount exceeds
15 \$15,000, a minimum of \$250 and a maximum of \$310.

16 (e) Appearance.

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

20 (A) When the plaintiff in a forcible entry and
21 detainer case seeks possession only, a minimum of \$40
22 and a maximum of \$80.

23 (B) When the amount in the case does not exceed
24 \$1500, a minimum of \$40 and a maximum of \$80.

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

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

2 In garnishment affidavit, wage deduction affidavit,
3 and citation petition when the amount does not exceed
4 \$1,000, a minimum of \$15 and a maximum of \$25; when the
5 amount exceeds \$1,000 but does not exceed \$5,000, a minimum
6 of \$30 and a maximum of \$45; and when the amount exceeds
7 \$5,000, a minimum of \$50 and a maximum of \$80.

8 (g) Petition to Vacate or Modify.

9 (1) Petition to vacate or modify any final judgment or
10 order of court, except in forcible entry and detainer cases
11 and small claims cases or a petition to reopen an estate,
12 to modify, terminate, or enforce a judgment or order for
13 child or spousal support, or to modify, suspend, or
14 terminate an order for withholding, if filed before 30 days
15 after the entry of the judgment or order, a minimum of \$50
16 and a maximum of \$60.

17 (2) Petition to vacate or modify any final judgment or
18 order of court, except a petition to modify, terminate, or
19 enforce a judgment or order for child or spousal support or
20 to modify, suspend, or terminate an order for withholding,
21 if filed later than 30 days after the entry of the judgment
22 or order, a minimum of \$75 and a maximum of \$90.

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

25 (h) Mailing.

26 When the clerk is required to mail, the fee will be a

1 minimum of \$10 and a maximum of \$15, plus the cost of
2 postage.

3 (i) Certified Copies.

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

7 (j) Habeas Corpus.

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

10 (k) Certification, Authentication, and Reproduction.

11 (1) Each certification or authentication for taking
12 the acknowledgment of a deed or other instrument in writing
13 with the seal of office, a minimum of \$6 and a maximum of
14 \$9.

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

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

21 (4) Court appeals when original documents are
22 forwarded, over 200 pages, an additional fee of a minimum
23 of 25 and a maximum of 30 cents per page.

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

26 (A) First page, \$2.

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

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

3 (l) Remands.

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

14 (m) Record Search.

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

18 (n) Hard Copy.

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

23 (o) Index Inquiry and Other Records.

24 No fee shall be charged for a single
25 plaintiff/defendant index inquiry or single case record
26 inquiry when this request is made in person and the records

1 are maintained in a current automated medium, and when no
2 hard copy print output is requested. The fees to be charged
3 for management records, multiple case records, and
4 multiple journal records may be specified by the Chief
5 Judge pursuant to the guidelines for access and
6 dissemination of information approved by the Supreme
7 Court.

8 (p) (Blank).

9 (q) Alias Summons.

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

12 (r) Other Fees.

13 Any fees not covered in this Section shall be set by
14 rule or administrative order of the Circuit Court with the
15 approval of the Administrative Office of the Illinois
16 Courts.

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

1 (s) (Blank). ~~Jury Services.~~

2 ~~The clerk shall be entitled to receive, in addition to~~
3 ~~other fees allowed by law, the sum of a minimum of \$212.50~~
4 ~~and maximum of \$230, as a fee for the services of a jury in~~
5 ~~every civil action not quasi criminal in its nature and not~~
6 ~~a proceeding for the exercise of the right of eminent~~
7 ~~domain and in every other action wherein the right of trial~~
8 ~~by jury is or may be given by law. The jury fee shall be~~
9 ~~paid by the party demanding a jury at the time of filing~~
10 ~~the jury demand. If the fee is not paid by either party, no~~
11 ~~jury shall be called in the action or proceeding, and the~~
12 ~~same shall be tried by the court without a jury.~~

13 (t) Voluntary Assignment.

14 For filing each deed of voluntary assignment, a minimum
15 of \$20 and a maximum of \$40; for recording the same, a
16 minimum of 50¢ and a maximum of \$0.80 for each 100 words.
17 Exceptions filed to claims presented to an assignee of a
18 debtor who has made a voluntary assignment for the benefit
19 of creditors shall be considered and treated, for the
20 purpose of taxing costs therein, as actions in which the
21 party or parties filing the exceptions shall be considered
22 as party or parties plaintiff, and the claimant or
23 claimants as party or parties defendant, and those parties
24 respectively shall pay to the clerk the same fees as
25 provided by this Section to be paid in other actions.

26 (u) Expungement Petition.

1 The clerk shall be entitled to receive a fee of a
2 minimum of \$60 and a maximum of \$120 for each expungement
3 petition filed and an additional fee of a minimum of \$4 and
4 a maximum of \$8 for each certified copy of an order to
5 expunge arrest records.

6 (v) Probate.

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

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

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

18 (B) When (i) proof of heirship alone is made, (ii)
19 a domestic or foreign will is admitted to probate
20 without administration (including proof of heirship),
21 or (iii) letters of office are issued for a particular
22 purpose without administration of the estate, the fee
23 shall be a minimum of \$40 and a maximum of \$65.

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

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

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

12 (3) In addition to the fees payable under subsection
13 (v) (1) or (v) (2) of this Section, the following fees are
14 payable:

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

18 (B) For filing a claim in an estate when the amount
19 claimed is \$150 or more but less than \$500, a minimum
20 of \$20 and a maximum of \$40; when the amount claimed is
21 \$500 or more but less than \$10,000, a minimum of \$40
22 and a maximum of \$65; when the amount claimed is
23 \$10,000 or more, a minimum of \$60 and a maximum of \$90;
24 provided that the court in allowing a claim may add to
25 the amount allowed the filing fee paid by the claimant.

26 (C) For filing in an estate a claim, petition, or

1 supplemental proceeding based upon an action seeking
2 equitable relief including the construction or contest
3 of a will, enforcement of a contract to make a will,
4 and proceedings involving testamentary trusts or the
5 appointment of testamentary trustees, a minimum of \$60
6 and a maximum of \$90.

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

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

15 (F) (Blank). ~~For each jury demand, a minimum of~~
16 ~~\$137.50 and a maximum of \$180.~~

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

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

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

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

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

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

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

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

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

26 (B) Misdemeanor complaints, a minimum of \$75 and a

1 maximum of \$110.

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

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

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

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

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

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

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

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

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

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

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

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

25 (3) (Blank). ~~In ordinance violation cases punishable~~
26 ~~by fine only, the clerk of the circuit court shall be~~

1 ~~entitled to receive, unless the fee is excused upon a~~
2 ~~finding by the court that the defendant is indigent, in~~
3 ~~addition to other fees or costs allowed or imposed by law,~~
4 ~~the sum of a minimum of \$112.50 and a maximum of \$250 as a~~
5 ~~fee for the services of a jury. The jury fee shall be paid~~
6 ~~by the defendant at the time of filing his or her jury~~
7 ~~demand. If the fee is not so paid by the defendant, no jury~~
8 ~~shall be called, and the case shall be tried by the court~~
9 ~~without a jury.~~

10 (x) Transcripts of Judgment.

11 For the filing of a transcript of judgment, the clerk
12 shall be entitled to the same fee as if it were the
13 commencement of a new suit.

14 (y) Change of Venue.

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

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

22 (z) Tax objection complaints.

23 For each tax objection complaint containing one or more
24 tax objections, regardless of the number of parcels
25 involved or the number of taxpayers joining in the
26 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

1 Support Collection Fund, of which the clerk shall be the
2 custodian, ex-officio, to be used by the clerk to maintain
3 child support orders and record all payments issued by the
4 State Disbursement Unit for the official record of the
5 Court. The clerk may recover from the person making the
6 maintenance or child support payment any additional cost
7 incurred in the collection of this annual fee.

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

13 (cc) Corrections of Numbers.

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

19 (dd) Exceptions.

20 (1) The fee requirements of this Section shall not
21 apply to police departments or other law enforcement
22 agencies. In this Section, "law enforcement agency" means
23 an agency of the State or a unit of local government which
24 is vested by law or ordinance with the duty to maintain
25 public order and to enforce criminal laws or ordinances.
26 "Law enforcement agency" also means the Attorney General or

1 any state's attorney.

2 (2) No fee provided herein shall be charged to any unit
3 of local government or school district. The fee
4 requirements of this Section shall not apply to any action
5 instituted under subsection (b) of Section 11-31-1 of the
6 Illinois Municipal Code by a private owner or tenant of
7 real property within 1200 feet of a dangerous or unsafe
8 building seeking an order compelling the owner or owners of
9 the building to take any of the actions authorized under
10 that subsection.

11 (3) The fee requirements of this Section shall not
12 apply to the filing of any commitment petition or petition
13 for an order authorizing the administration of
14 psychotropic medication or electroconvulsive therapy under
15 the Mental Health and Developmental Disabilities Code.

16 (ee) Adoption.

17 (1) For an adoption \$65

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

23 (ff) Adoption exemptions.

24 No fee other than that set forth in subsection (ee)
25 shall be charged to any person in connection with an
26 adoption proceeding nor may any fee be charged for

1 proceedings for the appointment of a confidential
2 intermediary under the Adoption Act.

3 (gg) Unpaid fees.

4 Unless a court ordered payment schedule is implemented
5 or the fee requirements of this Section are waived pursuant
6 to court order, the clerk of the court may add to any
7 unpaid fees and costs under this Section a delinquency
8 amount equal to 5% of the unpaid fees that remain unpaid
9 after 30 days, 10% of the unpaid fees that remain unpaid
10 after 60 days, and 15% of the unpaid fees that remain
11 unpaid after 90 days. Notice to those parties may be made
12 by signage posting or publication. The additional
13 delinquency amounts collected under this Section shall be
14 used to defray additional administrative costs incurred by
15 the clerk of the circuit court in collecting unpaid fees
16 and costs.

17 (Source: P.A. 95-172, eff. 8-14-07.)

18 Section 15. The Jury Act is amended by changing Sections
19 4.1, 5, 8, 10.2, and 15 and adding Section 10.4 as follows:

20 (705 ILCS 305/4.1) (from Ch. 78, par. 4.1)

21 Sec. 4.1. Jury duty; notice to employer; right to time off.

22 (a) Any person who is not legally disqualified to serve on
23 juries, and has been duly summoned for jury duty for either
24 petit or grand jury service, shall not be required or requested

1 to use annual, vacation, or sick leave for time spent
2 responding to a summons for jury duty, time spent participating
3 in the jury selection process, or time spent actually serving
4 on a jury ~~be given time off from employment to serve upon the~~
5 ~~jury~~ for which such employee is summoned, regardless of the
6 employment shift such employee is assigned to at the time of
7 service of such summons. An employee shall give his employer
8 reasonable notice of required jury service. An employer may not
9 deny an employee time off for jury duty because such employee
10 is then assigned to work a night shift of employment, that is,
11 an employer cannot require a night shift worker to work while
12 such employee is doing jury duty in the daytime. Nothing in
13 this subsection (a) shall be construed to require an employer
14 to provide annual, vacation, or sick leave to employees under
15 the provisions of this Section who otherwise are not entitled
16 to such benefits under company policies.

17 (b) No employer shall discharge, threaten to discharge,
18 intimidate or coerce any employee by reason of the employee's
19 jury service, or the attendance or scheduled attendance in
20 connection with such service, in any court of this State.

21 (c) If an employee gives reasonable notice of required jury
22 service, any employer who violates the provisions of this
23 Section:

24 (1) may be charged with contempt of court. In such an
25 event, the State's Attorney shall file a petition for civil
26 contempt, criminal contempt, or both, against the employer

1 to be prosecuted by the State's Attorney; and

2 (2) shall be liable for damages for any loss of wages
3 or other benefits suffered by an employee by reason of the
4 violation; and

5 (3) may be enjoined from further violations of this
6 Section and ordered to reinstate any employee discharged by
7 reason of jury service.

8 As used in this Section, "reasonable notice of required
9 jury service" means that the employee summoned for jury duty
10 must deliver to the employer a copy of the summons within 10
11 days of the date of issuance of the summons to the employee.

12 (d) Any individual who is reinstated to a position of
13 employment in accordance with this Section shall be considered
14 as having been on furlough or leave of absence during his
15 period of jury service, shall be reinstated to his position of
16 employment without loss of seniority, and shall be entitled to
17 participate in insurance or other benefits offered by the
18 employer under established rules and practices relating to
19 employees on furlough or leave of absence in effect with the
20 employer at the time the individual entered upon jury service.

21 (e) In any action or proceeding under this Section, the
22 court may award a prevailing employee who brings the action by
23 retained counsel a reasonable attorney's fee.

24 (f) Any right or remedy provided in this Section is in
25 addition to any right or remedy otherwise provided by law to an
26 employee.

1 (g) No employer shall be obligated to compensate an
2 employee for time taken off for jury duty.

3 (g-5) A court shall automatically postpone and reschedule
4 the service of a summoned juror employed by an employer with 5
5 or fewer full-time employees, or the equivalent, if another
6 employee of that employer is summoned to appear during the same
7 period. The postponement will not constitute the excused
8 individual's right to one automatic postponement pursuant to
9 Section 10.4 of this Act.

10 (h) The official responsible for issuing the summons may
11 advise the juror of his rights under this Act by printed insert
12 with the summons or on the summons itself.

13 (Source: P.A. 86-1395; 87-616.)

14 (705 ILCS 305/5) (from Ch. 78, par. 5)

15 Sec. 5. Subsequent selection of jurors; length of service.

16 (a) At the time of making such selection, the name of the
17 person selected shall be checked off from such list, and shall
18 not be again selected as a juror till every person named upon
19 such list qualified to serve as a juror has been selected; and
20 all subsequent selections of jurors by such board shall be made
21 from such list until all persons thereon qualified to serve
22 have been selected, or until a new list is made: Provided, if
23 any person who has been selected as a juror shall not have been
24 drawn, or have served upon a jury during the year for which he
25 was selected, he shall, if qualified, be selected for the next

1 year.

2 (b) In counties with populations greater than 100,000,
3 service of prospective petit jurors shall be for no more than
4 one court day in actual attendance, unless a prospective petit
5 juror is selected to serve on a jury or is under consideration
6 to serve on a jury and such consideration covers a period of 2
7 or more days. Once selected, a petit juror shall serve on the
8 jury for the duration of the trial unless excused by the
9 presiding judge.

10 (Source: P.A. 86-1053.)

11 (705 ILCS 305/8) (from Ch. 78, par. 8)

12 Sec. 8. Selection from box.

13 (a) Upon a day designated by the judge of the court, which
14 shall be at least 20 days before the first day for which any of
15 the panel then to be drawn is summoned, the clerk of such court
16 shall repair to the office of the county clerk, and in the
17 presence of a judge and of such county clerk, after the box
18 containing the names has been well shaken by the county clerk,
19 and being blindfolded shall, without partiality, draw from such
20 box the names of a sufficient number of such persons, then
21 residents of the county, not less than 30 for each 2 weeks that
22 such court will probably be in session for the trial of common
23 law cases, to constitute the petit jurors for the time being
24 and where there is an additional judge in such court, a like
25 number for each additional judge requiring a jury, unless the

1 court shall otherwise order: Provided, that the clerk shall at
2 any time, when directed by an order of the court draw in the
3 manner above provided, such number of persons then residents of
4 the county, as shall be required by the order to act as petit
5 jurors in such court for such time as may be fixed in such
6 order: And provided, that should the clerk draw from the box
7 the name of a person who is known to be dead, to have been
8 selected as a grand juror, a non-resident, absent from the
9 State, ~~unable to attend in consequence of illness,~~ or that he
10 is legally disqualified to serve as a juror, the clerk shall
11 report the name of such person to the county clerk, and the
12 clerk of such court shall draw other names until the required
13 number have been selected: Provided, also that whenever there
14 is pending for trial in any of the courts, any criminal cause
15 wherein the defendant is charged with a felony, and the judge
16 holding such court is convinced from the circumstances of the
17 case that a jury cannot be obtained from the regular panel to
18 try the cause, the judge may in his discretion, prior to the
19 day fixed for the trial of the cause, direct the clerk to draw
20 (in the same manner as the regular panel is drawn,) not
21 exceeding 100 names as a special panel from which a jury may be
22 selected to try the cause.

23 (b) Notwithstanding the provisions of subsection (a),
24 names of jurors may be randomly drawn by computer.

25 (Source: P.A. 86-1053.)

1 (705 ILCS 305/10.2) (from Ch. 78, par. 10.2)

2 Sec. 10.2. Excusing prospective jurors; hardship.

3 (a) An individual may apply to be excused from jury service
4 for a period of up to 24 months, instead of seeking a
5 postponement, when either: ~~The county boards of the respective~~
6 ~~counties, the jury commissioners for those counties which have~~
7 ~~been appointed under the Jury Commission Act, or a jury~~
8 ~~administrator shall submit questionnaires to prospective~~
9 ~~jurors to inquire as to their qualifications for jury service~~
10 ~~and as to the hardship that jury service would pose to the~~
11 ~~prospective jurors. Upon prior approval by the chief judge of~~
12 ~~the judicial circuits in which a county board, jury~~
13 ~~administrator, or jury commissioners are situated, the county~~
14 ~~board, jury administrator, or jury commissioners shall excuse a~~
15 ~~prospective juror from jury service if the prospective juror~~
16 ~~shows that such service would impose an undue hardship on~~
17 ~~account of the nature of the prospective juror's occupation,~~
18 ~~business affairs, physical health, family situation, active~~
19 ~~duty in the Illinois National Guard or Illinois Naval Militia,~~
20 ~~or other personal affairs, and cause his or her name to be~~
21 ~~returned to the jury list or general jury list.~~

22 (1) The prospective juror has a mental or physical
23 condition that causes him or her to be incapable of
24 performing jury service. The juror, or the juror's personal
25 representative, must provide the court with documentation
26 from a physician licensed to practice medicine in all its

1 branches verifying that a mental or physical condition
2 renders the person unfit for jury service for a period of
3 not less than the 24 month period for which the excuse is
4 sought; or

5 (2) Jury service would otherwise cause undue or extreme
6 physical or financial hardship to the prospective juror or
7 a person under his or her care or supervision. A judge of
8 the court for which the individual was called to jury
9 service shall make determinations regarding undue or
10 extreme physical or financial hardship. The authority to
11 make these determinations is delegable only to court
12 officials or personnel who are authorized by the laws of
13 this State to function as members of the judiciary.

14 (b) A person asking to be excused from jury service under
15 this Section must take all actions necessary to have obtained a
16 ruling on that request by no later than the date on which the
17 individual is scheduled to appear for jury duty.

18 (c) For purposes of this Section, "undue or extreme
19 physical or financial hardship" is limited to circumstances in
20 which an individual would:

21 (1) Be required to abandon a person under his or her
22 personal care or supervision due to the impossibility of
23 obtaining an appropriate substitute caregiver during the
24 period of participation in the jury pool or on the jury; or

25 (2) Incur costs that would have a substantial adverse
26 impact on the payment of the individual's necessary daily

1 living expenses or on those for whom he or she provides the
2 principal means of support; or

3 (3) Suffer physical hardship that would result in
4 illness or disease.

5 "Undue or extreme physical or financial hardship" does not
6 exist solely based on the fact that a prospective juror will be
7 required to be absent from his or her place of employment.

8 A person asking a judge to grant an excuse based on "undue
9 or extreme physical or financial hardship" shall be required to
10 provide the judge with documentation, such as, but not limited
11 to, federal and State income tax returns, medical statements
12 from licensed physicians, proof of dependency or guardianship,
13 and similar documents, which the judge finds to clearly support
14 the request to be excused. Failure to provide satisfactory
15 documentation shall result in a denial of the request to be
16 excused.

17 (d) After 24 months, a person excused from jury service
18 shall become eligible once again for qualification as a juror
19 unless the person was excused from service permanently. A
20 person is excused from jury service permanently only when the
21 judge determines that the underlying grounds for being excused
22 are of a permanent nature.

23 (e) ~~(b)~~ When an undue hardship caused by a family situation
24 is due to the prospective juror being the primary care giver of
25 a person with a mental or physical disability, a person with a
26 medically diagnosed behavior problem, or a child under age 12,

1 then the county board, jury commissioners or jury administrator
2 shall excuse such a prospective juror, if it finds that no
3 reasonable alternative care is feasible which would not impose
4 an undue hardship on the prospective juror or the person for
5 whom the prospective juror is providing care, or both.

6 (Source: P.A. 90-482, eff. 1-1-98; 91-264, eff. 7-23-99.)

7 (705 ILCS 305/10.4 new)

8 Sec. 10.4. Postponement of jury service.

9 (a) Notwithstanding Section 10.2 or any other provision of
10 this Act, individuals scheduled to appear for jury service have
11 the right to postpone the date of their initial appearance for
12 jury service one time only. When requested, postponements shall
13 be granted, provided that:

14 (1) The juror has not previously been granted a
15 postponement;

16 (2) The prospective juror appears in person or contacts
17 the clerk of the court by telephone, electronic mail, or in
18 writing to request a postponement; and

19 (3) Prior to the grant of a postponement with the
20 concurrence of the clerk of the court, the prospective
21 juror fixes a date certain on which he or she will appear
22 for jury service that is not more than 6 months after the
23 date on which the prospective juror originally was called
24 to serve and on which date the court will be in session.

25 (b) A subsequent request to postpone jury service may be

1 approved by a judicial officer only in the event of an extreme
2 emergency, such as a death in the family, sudden illness, a
3 natural disaster or a national emergency in which the
4 prospective juror is personally involved, that could not have
5 been anticipated at the time the initial postponement was
6 granted. Prior to the grant of a second postponement, the
7 prospective juror must fix a date certain on which the
8 individual will appear for jury service within 6 months of the
9 postponement on a date when the court will be in session.

10 (705 ILCS 305/15) (from Ch. 78, par. 15)

11 Sec. 15. Failure to attend. Every person who shall fail to
12 attend when lawfully summoned to appear as a grand or petit
13 juror, without having properly obtained postponement or excuse
14 pursuant to Sections 10.2 and 10.4 ~~a reasonable excuse~~, shall
15 be considered as guilty of a contempt, and shall be fined by
16 the courts, respectively, in any sum not less than \$25 ~~\$5~~ nor
17 more than \$250 ~~\$100~~, for the use of the proper county, unless
18 good cause be shown for such default; and it shall be the duty
19 of the court to enter an order of attachment, returnable
20 forthwith, against all such delinquents, and upon the return
21 thereof the court shall proceed to assess the fine unless the
22 person or persons so attached shall show good cause for such
23 delinquency: Provided, that the oath or affirmation of any such
24 delinquent shall, at all times, be received as competent
25 evidence.

1 (Source: P.A. 83-346.)

2 Section 90. The State Mandates Act is amended by adding
3 Section 8.33 as follows:

4 (30 ILCS 805/8.33 new)

5 Sec. 8.33. Exempt mandate. Notwithstanding Sections 6 and 8
6 of this Act, no reimbursement by the State is required for the
7 implementation of any mandate created by this amendatory Act of
8 the 96th General Assembly.

9 Section 97. Severability. The provisions of this Act are
10 severable under Section 1.31 of the Statute on Statutes. If any
11 portion of this Act is declared unconstitutional or the
12 application of any part of this Act to any person or
13 circumstance is held invalid, the remaining portions of the Act
14 and their applicability to any person or circumstance shall
15 remain valid and enforceable.

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