SB1047 Enrolled

1 AN ACT concerning criminal law.

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

Section 5. The Clerks of Courts Act is amended by changing
Section 27.3a as follows:

6 (705 ILCS 105/27.3a)

7 (Text of Section before amendment by P.A. 97-46)

8 Sec. 27.3a. Fees for automated record keeping, probation 9 and court services operations, and State Police operations.

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

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

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

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

22 <u>1.2. With respect to the fee imposed and collected under</u> 23 <u>subsection 1.1 of this Section, each clerk shall transfer all</u> 24 <u>fees monthly to the county treasurer for deposit into the</u> 25 <u>probation and court services fund created under Section 15.1 of</u> 26 <u>the Probation and Probation Officers Act, and such monies shall</u> SB1047 Enrolled - 3 - LRB097 04751 RLC 44790 b

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

5 1.5. Starting on the effective date of this amendatory Act of the 96th General Assembly, a clerk of the circuit court in 6 7 any county that imposes a fee pursuant to subsection 1 of this 8 Section, shall charge and collect an additional fee in an 9 amount equal to the amount of the fee imposed pursuant to subsection 1 of this Section. This additional fee shall be paid 10 11 by the defendant in any felony, traffic, misdemeanor, local 12 ordinance, or conservation case upon a judgment of guilty or grant of supervision. 13

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

19 3. With respect to the fee imposed under subsection 1 of 20 this Section, such fees shall be in addition to all other fees and charges of such clerks, and assessable as costs, and may be 21 22 waived only if the judge specifically provides for the waiver 23 of the court automation fee. The fees shall be remitted monthly 24 by such clerk to the county treasurer, to be retained by him in 25 a special fund designated as the court automation fund. The 26 fund shall be audited by the county auditor, and the board SB1047 Enrolled - 4 - LRB097 04751 RLC 44790 b

1 shall make expenditure from the fund in payment of any cost 2 related to the automation of court records, including hardware, 3 software, research and development costs and personnel related 4 thereto, provided that the expenditure is approved by the clerk 5 of the court and by the chief judge of the circuit court or his 6 designate.

7 4. With respect to the fee imposed under subsection 1 of 8 this Section, such fees shall not be charged in any matter 9 coming to any such clerk on change of venue, nor in any 10 proceeding to review the decision of any administrative 11 officer, agency or body.

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

17 6. With respect to the additional fees imposed under subsection 1.5 of this Section, the Director of State Police 18 may direct the use of these fees for homeland security purposes 19 20 by transferring these fees on a quarterly basis from the State Police Operations Assistance Fund into the Illinois Law 21 22 Enforcement Alarm Systems (ILEAS) Fund for homeland security 23 initiatives programs. The transferred fees shall be allocated, subject to the approval of the ILEAS Executive Board, as 24 25 follows: (i) 66.6% shall be used for homeland security initiatives and (ii) 33.3% shall be used for 26 airborne SB1047 Enrolled - 5 - LRB097 04751 RLC 44790 b

operations. The ILEAS Executive Board shall annually supply the
 Director of State Police with a report of the use of these
 fees.

4 (Source: P.A. 96-1029, eff. 7-13-10; 97-453, eff. 8-19-11.)

5 (Text of Section after amendment by P.A. 97-46)

6 Sec. 27.3a. Fees for automated record keeping<u>, probation</u> 7 <u>and court services operations</u>, and State and Conservation 8 Police operations.

9 1. The expense of establishing and maintaining automated 10 record keeping systems in the offices of the clerks of the 11 circuit court shall be borne by the county. To defray such 12 expense in any county having established such an automated 13 system or which elects to establish such a system, the county 14 board may require the clerk of the circuit court in their 15 county to charge and collect a court automation fee of not less 16 than \$1 nor more than \$15 to be charged and collected by the clerk of the court. Such fee shall be paid at the time of 17 18 filing the first pleading, paper or other appearance filed by each party in all civil cases or by the defendant in any 19 20 felony, traffic, misdemeanor, municipal ordinance, or 21 conservation case upon a judgment of guilty or grant of 22 supervision, provided that the record keeping system which processes the case category for which the fee is charged is 23 24 automated or has been approved for automation by the county 25 board, and provided further that no additional fee shall be

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1 required if more than one party is presented in a single 2 pleading, paper or other appearance. Such fee shall be 3 collected in the manner in which all other fees or costs are 4 collected.

5 1.1. Starting on the effective date of this amendatory Act of the 97th General Assembly and pursuant to an administrative 6 7 order from the chief judge of the circuit or the presiding judge of the county authorizing such collection, a clerk of the 8 9 circuit court in any county that imposes a fee pursuant to 10 subsection 1 of this Section shall also charge and collect an 11 additional \$10 operations fee for probation and court services 12 department operations.

13 <u>This additional fee shall be paid by the defendant in any</u> 14 <u>felony, traffic, misdemeanor, local ordinance, or conservation</u> 15 <u>case upon a judgment of guilty or grant of supervision, except</u> 16 <u>such \$10 operations fee shall not be charged and collected in</u> 17 <u>cases governed by Supreme Court Rule 529 in which the bail</u> 18 <u>amount is \$120 or less.</u>

1.2. With respect to the fee imposed and collected under 19 subsection 1.1 of this Section, each clerk shall transfer all 20 21 fees monthly to the county treasurer for deposit into the 22 probation and court services fund created under Section 15.1 of 23 the Probation and Probation Officers Act, and such monies shall 24 be disbursed from the fund only at the direction of the chief 25 judge of the circuit or another judge designated by the Chief 26 Circuit Judge in accordance with the policies and guidelines SB1047 Enrolled - 7 - LRB097 04751 RLC 44790 b

1 approved by the Supreme Court.

2 1.5. Starting on the effective date of this amendatory Act of the 96th General Assembly, a clerk of the circuit court in 3 any county that imposes a fee pursuant to subsection 1 of this 4 5 Section, shall charge and collect an additional fee in an amount equal to the amount of the fee imposed pursuant to 6 7 subsection 1 of this Section. This additional fee shall be paid 8 by the defendant in any felony, traffic, misdemeanor, or local 9 ordinance case upon a judgment of guilty or grant of 10 supervision. This fee shall not be paid by the defendant for 11 any conservation violation listed in subsection 1.6 of this 12 Section.

13 1.6. Starting on July 1, 2012 (the effective date of Public Act 97-46) this amendatory Act of the 97th General Assembly, a 14 15 clerk of the circuit court in any county that imposes a fee 16 pursuant to subsection 1 of this Section shall charge and 17 collect an additional fee in an amount equal to the amount of the fee imposed pursuant to subsection 1 of this Section. This 18 19 additional fee shall be paid by the defendant upon a judgment 20 of quilty or grant of supervision for a conservation violation under the State Parks Act, the Recreational Trails of Illinois 21 22 Act, the Illinois Explosives Act, the Timber Buyers Licensing 23 Act, the Forest Products Transportation Act, the Firearm Owners 24 Identification Card Act, the Environmental Protection Act, the 25 Fish and Aquatic Life Code, the Wildlife Code, the Cave 26 Protection Act, the Illinois Exotic Weed Act, the Illinois SB1047 Enrolled - 8 - LRB097 04751 RLC 44790 b

Forestry Development Act, the Ginseng Harvesting Act, the 1 2 Illinois Lake Management Program Act, the Illinois Natural 3 Areas Preservation Act, the Illinois Open Land Trust Act, the Open Space Lands Acquisition and Development Act, the Illinois 4 5 Prescribed Burning Act, the State Forest Act, the Water Use Act 6 of 1983, the Illinois Youth and Young Adult Employment Act of 7 1986, the Snowmobile Registration and Safety Act, the Boat Registration and Safety Act, the Illinois Dangerous Animals 8 9 Act, the Hunter and Fishermen Interference Prohibition Act, the Wrongful Tree Cutting Act, or Section 11-1426.1, 11-1426.2, 10 11 11-1427, 11-1427.1, 11-1427.2, 11-1427.3, 11-1427.4, or 12 11-1427.5 of the Illinois Vehicle Code.

13 2. With respect to the fee imposed under subsection 1 of 14 this Section, each clerk shall commence such charges and 15 collections upon receipt of written notice from the chairman of 16 the county board together with a certified copy of the board's 17 resolution, which the clerk shall file of record in his office.

3. With respect to the fee imposed under subsection 1 of 18 this Section, such fees shall be in addition to all other fees 19 20 and charges of such clerks, and assessable as costs, and may be 21 waived only if the judge specifically provides for the waiver 22 of the court automation fee. The fees shall be remitted monthly 23 by such clerk to the county treasurer, to be retained by him in a special fund designated as the court automation fund. The 24 fund shall be audited by the county auditor, and the board 25 26 shall make expenditure from the fund in payment of any cost 1 related to the automation of court records, including hardware,
2 software, research and development costs and personnel related
3 thereto, provided that the expenditure is approved by the clerk
4 of the court and by the chief judge of the circuit court or his
5 designate.

4. With respect to the fee imposed under subsection 1 of
this Section, such fees shall not be charged in any matter
coming to any such clerk on change of venue, nor in any
proceeding to review the decision of any administrative
officer, agency or body.

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

16 6. With respect to the additional fees imposed under 17 subsection 1.5 of this Section, the Director of State Police may direct the use of these fees for homeland security purposes 18 19 by transferring these fees on a quarterly basis from the State 20 Police Operations Assistance Fund into the Illinois Law 21 Enforcement Alarm Systems (ILEAS) Fund for homeland security 22 initiatives programs. The transferred fees shall be allocated, 23 subject to the approval of the ILEAS Executive Board, as follows: (i) 66.6% shall be used for homeland security 24 25 initiatives and (ii) 33.3% shall be used for airborne 26 operations. The ILEAS Executive Board shall annually supply the SB1047 Enrolled - 10 - LRB097 04751 RLC 44790 b

Director of State Police with a report of the use of these
 fees.

3 <u>7.</u> 6. With respect to the additional fee imposed under 4 subsection 1.6 of this Section, the fee shall be remitted by 5 the circuit clerk to the State Treasurer within one month after 6 receipt for deposit into the Conservation Police Operations 7 Assistance Fund.

8 (Source: P.A. 96-1029, eff. 7-13-10; 97-46, eff. 7-1-12;
9 97-453, eff. 8-19-11; revised 10-4-11.)

Section 10. The Probation and Probation Officers Act is amended by changing Section 15.1 as follows:

12 (730 ILCS 110/15.1) (from Ch. 38, par. 204-7.1)

13 Sec. 15.1. Probation and Court Services Fund.

14 (a) The county treasurer in each county shall establish a 15 probation and court services fund consisting of fees collected pursuant to subsection (i) of Section 5-6-3 and subsection (i) 16 Section 5-6-3.1 of the Unified Code of Corrections, 17 of subsection (10) of Section 5-615 and subsection (5) of Section 18 5-715 of the Juvenile Court Act of 1987, and paragraph 14.3 of 19 20 subsection (b) of Section 110-10 of the Code of Criminal 21 Procedure of 1963. The county treasurer shall disburse monies from the fund only at the direction of the chief judge of the 22 23 circuit court in such circuit where the county is located. The 24 county treasurer of each county shall, on or before January 10 SB1047 Enrolled - 11 - LRB097 04751 RLC 44790 b

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of each year, submit an annual report to the Supreme Court.

2 (b) Monies in the probation and court services fund shall 3 be appropriated by the county board to be used within the county or jurisdiction where collected in accordance with 4 5 policies and quidelines approved by the Supreme Court for the costs of operating the probation and court services department 6 7 or departments; however, except as provided in subparagraphs 8 subparagraph (g) and (h), monies in the probation and court 9 services fund shall not be used for the payment of salaries of probation and court services personnel. 10

(c) Monies expended from the probation and court services fund shall be used to supplement, not supplant, county appropriations for probation and court services.

14 (d) Interest earned on monies deposited in a probation and 15 court services fund may be used by the county for its ordinary 16 and contingent expenditures.

17 The county board may appropriate moneys from the (e) probation and court services fund, upon the direction of the 18 19 chief judge, to support programs that are part of the continuum 20 of juvenile delinquency intervention programs which are or may 21 be developed within the county. The grants from the probation and court services fund shall be for no more than one year and 22 23 may be used for any expenses attributable to the program including administration and oversight of the program by the 24 25 probation department.

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(f) The county board may appropriate moneys from the

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probation and court services fund, upon the direction of the chief judge, to support practices endorsed or required under the Sex Offender Management Board Act, including but not limited to sex offender evaluation, treatment, and monitoring programs that are or may be developed within the county.

(g) For the State Fiscal Years 2005, 2006, and 2007 only, 6 7 the Administrative Office of the Illinois Courts may permit a 8 county or circuit to use its probation and court services fund 9 for the payment of salaries of probation officers and other 10 court services personnel whose salaries are reimbursed under 11 this Act if the State's FY2005, FY2006, or FY2007 appropriation 12 Supreme Court for reimbursement to counties for to the probation salaries and services is less 13 than the amount 14 appropriated to the Supreme Court for these purposes for State Fiscal Year 2004. The Administrative Office of the Illinois 15 16 Courts shall take into account each county's or circuit's 17 probation fee collections and expenditures when apportioning the total reimbursement for each county or circuit. 18

(h) The Administrative Office of the Illinois Courts may 19 20 permit a county or circuit to use its probation and court 21 services fund for the payment of salaries of probation officers 22 and other court services personnel whose salaries are 23 reimbursed under this Act in any State fiscal year that the 24 appropriation for reimbursement to counties for probation 25 salaries and services is less than the amount appropriated to 26 the Supreme Court for these purposes for State Fiscal Year SB1047 Enrolled - 13 - LRB097 04751 RLC 44790 b

2002, except that the Administrative Office of the Illinois 1 2 Courts shall adjust this amount appropriated in 2002 by 3% per 3 year and may continue to permit use of the probation and court services fund for salaries in any State fiscal year where the 4 5 State reimbursement to counties is regularly delayed more than 4 months. The Administrative Office of the Illinois Courts 6 7 shall take into account each county's or circuit's probation 8 fee collections and expenditures when appropriating the total 9 reimbursement for each county or circuit. Anv amount 10 appropriated to the Supreme Court in any State fiscal year for 11 the purpose of reimbursing Cook County for the salaries and 12 operations of the Cook County Juvenile Temporary Detention 13 Center shall not be counted in the total appropriation to the Supreme Court in that State fiscal year for reimbursement to 14 15 counties for probation salaries and services, for the purposes 16 of this paragraph (h).

17 (Source: P.A. 94-91, eff. 7-1-05; 94-839, eff. 6-6-06; 95-707, 18 eff. 1-11-08.)

Section 95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act. SB1047 Enrolled - 14 - LRB097 04751 RLC 44790 b

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