



Sen. John G. Mulroe

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1 AMENDMENT TO SENATE BILL 1047

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1047 by replacing  
3 everything after the enacting clause with the following:

4 "Section 2. The Clerks of Courts Act is amended by changing  
5 Section 27.3a as follows:

6 (705 ILCS 105/27.3a) (from Ch. 25, par. 27.3a)

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

1 clerk of the court. Such fee shall be paid at the time of  
2 filing the first pleading, paper or other appearance filed by  
3 each party in all civil cases or by the defendant in any  
4 felony, traffic, misdemeanor, municipal ordinance, or  
5 conservation case upon a judgment of guilty or grant of  
6 supervision, provided that the record keeping system which  
7 processes the case category for which the fee is charged is  
8 automated or has been approved for automation by the county  
9 board, and provided further that no additional fee shall be  
10 required if more than one party is presented in a single  
11 pleading, paper or other appearance. Such fee shall be  
12 collected in the manner in which all other fees or costs are  
13 collected.

14 1.1. Starting on the effective date of this amendatory Act  
15 of the 97th General Assembly and pursuant to an administrative  
16 order from the chief judge of the circuit or the presiding  
17 judge of the county authorizing such collection, a clerk of the  
18 circuit court in any county that imposes a fee pursuant to  
19 subsection 1 of this Section shall also charge and collect an  
20 additional \$10 operations fee for probation and court services  
21 department operations, except as follows: such \$10 operations  
22 fee shall not be charged and collected in cases governed by  
23 Supreme Court Rule 529 and the bail amount is \$120 or less.

24 This additional fee shall be paid by the defendant in any  
25 felony, traffic, misdemeanor, local ordinance, or conservation  
26 case upon a judgment of guilty or grant of supervision.

1       1.2. With respect to the fee imposed and collected under  
2 subsection 1.1 of this Section, each clerk shall transfer all  
3 fees monthly to the county treasurer for deposit into the  
4 probation and court services fund created under Section 15.1 of  
5 the Probation and Probation Officers Act, and such monies shall  
6 be disbursed from the fund only at the direction of the chief  
7 judge of the circuit or another judge designated by the Chief  
8 Circuit Judge in accordance with the policies and guidelines  
9 approved by the Supreme Court.

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

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

24       3. With respect to the fee imposed under subsection 1 of  
25 this Section, such fees shall be in addition to all other fees  
26 and charges of such clerks, and assessable as costs, and may be

1 waived only if the judge specifically provides for the waiver  
2 of the court automation fee. The fees shall be remitted monthly  
3 by such clerk to the county treasurer, to be retained by him in  
4 a special fund designated as the court automation fund. The  
5 fund shall be audited by the county auditor, and the board  
6 shall make expenditure from the fund in payment of any cost  
7 related to the automation of court records, including hardware,  
8 software, research and development costs and personnel related  
9 thereto, provided that the expenditure is approved by the clerk  
10 of the court and by the chief judge of the circuit court or his  
11 designate.

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

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

22 (Source: P.A. 96-1029, eff. 7-13-10.)

23 Section 5. The Probation and Probation Officers Act is  
24 amended by changing Section 15.1 as follows:

1 (730 ILCS 110/15.1) (from Ch. 38, par. 204-7.1)

2 Sec. 15.1. Probation and Court Services Fund.

3 (a) The county treasurer in each county shall establish a  
4 probation and court services fund consisting of fees collected  
5 pursuant to subsection (i) of Section 5-6-3 and subsection (i)  
6 of Section 5-6-3.1 of the Unified Code of Corrections,  
7 subsection (10) of Section 5-615 and subsection (5) of Section  
8 5-715 of the Juvenile Court Act of 1987, and paragraph 14.3 of  
9 subsection (b) of Section 110-10 of the Code of Criminal  
10 Procedure of 1963. The county treasurer shall disburse monies  
11 from the fund only at the direction of the chief judge of the  
12 circuit court in such circuit where the county is located. The  
13 county treasurer of each county shall, on or before January 10  
14 of each year, submit an annual report to the Supreme Court.

15 (b) Monies in the probation and court services fund shall  
16 be appropriated by the county board to be used within the  
17 county or jurisdiction where collected in accordance with  
18 policies and guidelines approved by the Supreme Court for the  
19 costs of operating the probation and court services department  
20 or departments; however, except as provided in subparagraphs  
21 ~~subparagraph~~ (g) and (h), monies in the probation and court  
22 services fund shall not be used for the payment of salaries of  
23 probation and court services personnel.

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

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

4           (e) The county board may appropriate moneys from the  
5 probation and court services fund, upon the direction of the  
6 chief judge, to support programs that are part of the continuum  
7 of juvenile delinquency intervention programs which are or may  
8 be developed within the county. The grants from the probation  
9 and court services fund shall be for no more than one year and  
10 may be used for any expenses attributable to the program  
11 including administration and oversight of the program by the  
12 probation department.

13           (f) The county board may appropriate moneys from the  
14 probation and court services fund, upon the direction of the  
15 chief judge, to support practices endorsed or required under  
16 the Sex Offender Management Board Act, including but not  
17 limited to sex offender evaluation, treatment, and monitoring  
18 programs that are or may be developed within the county.

19           (g) For the State Fiscal Years 2005, 2006, and 2007 only,  
20 the Administrative Office of the Illinois Courts may permit a  
21 county or circuit to use its probation and court services fund  
22 for the payment of salaries of probation officers and other  
23 court services personnel whose salaries are reimbursed under  
24 this Act if the State's FY2005, FY2006, or FY2007 appropriation  
25 to the Supreme Court for reimbursement to counties for  
26 probation salaries and services is less than the amount

1 appropriated to the Supreme Court for these purposes for State  
2 Fiscal Year 2004. The Administrative Office of the Illinois  
3 Courts shall take into account each county's or circuit's  
4 probation fee collections and expenditures when apportioning  
5 the total reimbursement for each county or circuit.

6 (h) The Administrative Office of the Illinois Courts may  
7 permit a county or circuit to use its probation and court  
8 services fund for the payment of salaries of probation officers  
9 and other court services personnel whose salaries are  
10 reimbursed under this Act in any State fiscal year that the  
11 appropriation for reimbursement to counties for probation  
12 salaries and services is less than the amount appropriated to  
13 the Supreme Court for these purposes for State Fiscal Year  
14 2002, except that the Administrative Office of the Illinois  
15 Courts shall adjust this amount appropriated in 2002 by 3% per  
16 year and may continue to permit use of the probation and court  
17 services fund for salaries in any State fiscal year where the  
18 State reimbursement to counties is regularly delayed more than  
19 4 months. The Administrative Office of the Illinois Courts  
20 shall take into account each county's or circuit's probation  
21 fee collections and expenditures when appropriating the total  
22 reimbursement for each county or circuit. Any amount  
23 appropriated to the Supreme Court in any State fiscal year for  
24 the purpose of reimbursing Cook County for the salaries and  
25 operations of the Cook County Juvenile Temporary Detention  
26 Center shall not be counted in the total appropriation to the

1 Supreme Court in that State fiscal year for reimbursement to  
2 counties for probation salaries and services, for the purposes  
3 of this paragraph (h).

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

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