

HB4940



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB4940

by Rep. Jim Durkin - Brian W. Stewart

SYNOPSIS AS INTRODUCED:

55 ILCS 5/4-12001

from Ch. 34, par. 4-12001

Amends the Counties Code. Makes a technical change to a Section concerning sheriffs' fees.

LRB099 19344 AWJ 43736 b

A BILL FOR

1 AN ACT concerning local government.

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

4 Section 5. The Counties Code is amended by changing Section
5 4-12001 as follows:

6 (55 ILCS 5/4-12001) (from Ch. 34, par. 4-12001)

7 Sec. 4-12001. Fees of sheriff in third class counties. The
8 ~~The~~ officers herein named, in counties of the third class,
9 shall be entitled to receive the fees herein specified, for the
10 services mentioned and such other fees as may be provided by
11 law for such other services not herein designated.

12 Fees for Sheriff

13 For serving or attempting to serve any summons on each
14 defendant, \$35.

15 For serving or attempting to serve each alias summons or
16 other process mileage will be charged as hereinafter provided
17 when the address for service differs from the address for
18 service on the original summons or other process.

19 For serving or attempting to serve all other process, on
20 each defendant, \$35.

21 For serving or attempting to serve a subpoena on each
22 witness, \$35.

23 For serving or attempting to serve each warrant, \$35.

1 For serving or attempting to serve each garnishee, \$35.

2 For summoning each juror, \$10.

3 For serving or attempting to serve each order or judgment
4 for replevin, \$35.

5 For serving or attempting to serve an order for attachment,
6 on each defendant, \$35.

7 For serving or attempting to serve an order or judgment for
8 the possession of real estate in an action of ejectment or in
9 any other action, or for restitution in an action of forcible
10 entry and detainer, without aid, \$35, and when aid is
11 necessary, the sheriff shall be allowed to tax in addition the
12 actual costs thereof.

13 For serving or attempting to serve notice of judgment, \$35.

14 For levying to satisfy an order in an action for
15 attachment, \$25.

16 For executing order of court to seize personal property,
17 \$25.

18 For making certificate of levy on real estate and filing or
19 recording same, \$8, and the fee for filing or recording shall
20 be advanced by the plaintiff in attachment or by the judgment
21 creditor and taxed as costs. For taking possession of or
22 removing property levied on, the sheriff shall be allowed to
23 tax the necessary actual costs of such possession or removal.

24 For advertising property for sale, \$20.

25 For making certificate of sale and making and filing
26 duplicate for record, \$15, and the fee for recording same shall

1 be advanced by the judgment creditor and taxed as costs.

2 For preparing, executing and acknowledging deed on
3 redemption from a court sale of real estate, \$15; for
4 preparing, executing and acknowledging all other deeds on sale
5 of real estate, \$10.

6 For making and filing certificate of redemption, \$15, and
7 the fee for recording same shall be advanced by party making
8 the redemption and taxed as costs.

9 For making and filing certificate of redemption from a
10 court sale, \$11, and the fee for recording same shall be
11 advanced by the party making the redemption and taxed as costs.

12 For taking all bonds on legal process, \$10.

13 For taking special bail, \$5.

14 For returning each process, \$15.

15 Mileage for service or attempted service of all process is
16 a \$10 flat fee.

17 For attending before a court with a prisoner on an order
18 for habeas corpus, \$9 per day.

19 For executing requisitions from other States, \$13.

20 For conveying each prisoner from the prisoner's county to
21 the jail of another county, per mile for going only, 25¢.

22 For committing to or discharging each prisoner from jail,
23 \$3.

24 For feeding each prisoner, such compensation to cover
25 actual costs as may be fixed by the county board, but such
26 compensation shall not be considered a part of the fees of the

1 office.

2 For committing each prisoner to jail under the laws of the
3 United States, to be paid by the marshal or other person
4 requiring his confinement, \$3.

5 For feeding such prisoners per day, \$3, to be paid by the
6 marshal or other person requiring the prisoner's confinement.

7 For discharging such prisoners, \$3.

8 For conveying persons to the penitentiary, reformatories,
9 Illinois State Training School for Boys, Illinois State
10 Training School for Girls, Reception Centers and Illinois
11 Security Hospital, the following fees, payable out of the State
12 Treasury. When one person is conveyed, 20¢ per mile in going to
13 the penitentiary, reformatories, Illinois State Training
14 School for Boys, Illinois State Training School for Girls,
15 Reception Centers and Illinois Security Hospital from the place
16 of conviction; when 2 persons are conveyed at the same time,
17 20¢ per mile for the first and 15¢ per mile for the second
18 person; when more than 2 persons are conveyed at the same time
19 as Stated above, the sheriff shall be allowed 20¢ per mile for
20 the first, 15¢ per mile for the second and 10¢ per mile for
21 each additional person.

22 The fees provided for herein for transporting persons to
23 the penitentiary, reformatories, Illinois State Training
24 School for Boys, Illinois State Training School for Girls,
25 Reception Centers and Illinois Security Hospital, shall be paid
26 for each trip so made. Mileage as used in this Section means

1 the shortest route on a hard surfaced road, (either State Bond
2 Issue Route or Federal highways) or railroad, whichever is
3 shorter, between the place from which the person is to be
4 transported, to the penitentiary, reformatories, Illinois
5 State Training School for Boys, Illinois State Training School
6 for Girls, Reception Centers and Illinois Security Hospital,
7 and all fees per mile shall be computed on such basis.

8 In addition to the above fees, there shall be allowed to
9 the sheriff a fee of \$900 for the sale of real estate which
10 shall be made by virtue of any judgment of a court. In addition
11 to this fee and all other fees provided by this Section, there
12 shall be allowed to the sheriff a fee in accordance with the
13 following schedule for the sale of personal estate which is
14 made by virtue of any judgment of a court:

15 For judgments up to \$1,000, \$100;

16 For judgments over \$1,000 to \$15,000, \$300;

17 For judgments over \$15,000, \$500.

18 In all cases where the judgment is settled by the parties,
19 replevied, stopped by injunction or paid, or where the property
20 levied upon is not actually sold, the sheriff shall be allowed
21 the fee for levying and mileage, together with half the fee for
22 all money collected by him or her which he or she would be
23 entitled to if the same were made by sale in the enforcement of
24 a judgment. In no case shall the fee exceed the amount of money
25 arising from the sale.

26 The fee requirements of this Section do not apply to police

1 departments or other law enforcement agencies. For the purposes
2 of this Section, "law enforcement agency" means an agency of
3 the State or unit of local government which is vested by law or
4 ordinance with the duty to maintain public order and to enforce
5 criminal laws or ordinances.

6 The fee requirements of this Section do not apply to units
7 of local government or school districts.

8 (Source: P.A. 94-1104, eff. 6-1-07.)