

**HB5636**



**99TH GENERAL ASSEMBLY**

**State of Illinois**

**2015 and 2016**

**HB5636**

by Rep. Elaine Nekritz

**SYNOPSIS AS INTRODUCED:**

35 ILCS 200/21-295

Amends the Property Tax Code. Reinstates a fee in an amount equal to 5% of all subsequent taxes, interest, and penalties to be paid by the certificate holder.

LRB099 18131 HLH 42497 b

FISCAL NOTE ACT  
MAY APPLY

**A BILL FOR**

1 AN ACT concerning revenue.

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

4 Section 5. The Property Tax Code is amended by changing  
5 Section 21-295 as follows:

6 (35 ILCS 200/21-295)

7 Sec. 21-295. Creation of indemnity fund.

8 (a) In counties of less than 3,000,000 inhabitants, each  
9 person purchasing any property at a sale under this Code shall  
10 pay to the County Collector, prior to the issuance of any  
11 certificate of purchase, a fee of \$20 for each item purchased.  
12 A like sum shall be paid for each year that all or a portion of  
13 subsequent taxes are paid by the tax purchaser and posted to  
14 the tax judgment, sale, redemption and forfeiture record where  
15 the underlying certificate of purchase is recorded.

16 (a-5) In counties of 3,000,000 or more inhabitants, each  
17 person purchasing property at a sale under this Code shall pay  
18 to the County Collector a fee of \$80 for each item purchased  
19 plus an additional sum equal to 5% of taxes, interest, and  
20 penalties paid by the purchaser, including the taxes, interest,  
21 and penalties paid under Section 21-240. In these counties, the  
22 certificate holder shall also pay to the County Collector a fee  
23 of \$80 for each year that all or a portion of subsequent taxes

1 are paid by the tax purchaser and posted to the tax judgment,  
2 sale, redemption, and forfeiture record, plus an additional sum  
3 equal to 5% of all subsequent taxes, interest, and penalties.  
4 The additional 5% fees are not required after December 31, 2006  
5 and prior to the effective date of this amendatory Act of the  
6 99th General Assembly, but shall be required on and after the  
7 effective date of this amendatory Act of the 99th General  
8 Assembly. The changes to this subsection made by this  
9 amendatory Act of the 91st General Assembly are not a new  
10 enactment, but declaratory of existing law.

11 (b) The amount paid prior to issuance of the certificate of  
12 purchase pursuant to subsection (a) or (a-5) shall be included  
13 in the purchase price of the property in the certificate of  
14 purchase and all amounts paid under this Section shall be  
15 included in the amount required to redeem under Section 21-355.  
16 Except as otherwise provided in subsection (b) of Section  
17 21-300, all money received under subsection (a) or (a-5) shall  
18 be paid by the Collector to the County Treasurer of the County  
19 in which the land is situated, for the purpose of an indemnity  
20 fund. The County Treasurer, as trustee of that fund, shall  
21 invest all of that fund, principal and income, in his or her  
22 hands from time to time, if not immediately required for  
23 payments of indemnities under subsection (a) of Section 21-305,  
24 in investments permitted by the Illinois State Board of  
25 Investment under Article 22A of the Illinois Pension Code. The  
26 county collector shall report annually to the county clerk on

1 the condition and income of the fund. The indemnity fund shall  
2 be held to satisfy judgments obtained against the County  
3 Treasurer, as trustee of the fund. No payment shall be made  
4 from the fund, except upon a judgment of the court which  
5 ordered the issuance of a tax deed.

6 (Source: P.A. 94-412, eff. 8-2-05.)