

SB3271



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB3271

Introduced 2/3/2026, by Sen. Bill Cunningham

SYNOPSIS AS INTRODUCED:

55 ILCS 5/4-12001

from Ch. 34, par. 4-12001

Amends the Counties Code. Provides that a sheriff in a county of the third class may receive a fee of \$200 for serving or attempting to serve, without aid, an order or judgment either for the possession of real estate in an action of ejectment or any other action or for restitution in an eviction action if service of the order or judgment was rescheduled by the party seeking enforcement. Authorizes the sheriff to tax the actual costs of service of these judgments and orders when aid is necessary. Allows imposition of this fee if the party seeking enforcement previously sought enforcement on the same order or judgment and canceled or failed to appear at the scheduled time for the enforcement of the order or judgment without providing the sheriff with notice of the need to reschedule or cancel enforcement at least 8 hours before to the scheduled enforcement.

LRB104 19792 RTM 33242 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
5 Section 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 officers herein named, in counties of the third class, shall
9 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 filed in
14 person on each defendant, \$60.

15 For serving or attempting to serve any summons filed
16 electronically on each defendant, \$35.

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

21 For serving or attempting to serve all other process filed
22 in person on each defendant, \$60.

23 For serving or attempting to serve all other process filed

1 electronically on each defendant, \$35.

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

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

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

6 For summoning each juror, \$10.

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

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

11 For serving or attempting to serve an order or judgment
12 for the possession of real estate in an action of ejectment or
13 in any other action, or for restitution in an eviction action,
14 without aid, \$60, and when aid is necessary, the sheriff shall
15 be allowed to tax in addition the actual costs of service.

16 For serving or attempting to serve, without aid, an order
17 or judgment either for the possession of real estate in an
18 action of ejectment or any other action or for restitution in
19 an eviction action if service of the order or judgment was
20 rescheduled by the party seeking enforcement, \$200, and when
21 aid is necessary, the sheriff shall be allowed to tax in
22 addition the actual costs of service. This fee may be charged
23 by the sheriff if the party seeking enforcement previously
24 sought enforcement on the same order or judgment and canceled
25 or failed to appear at the scheduled time for the enforcement
26 of that order or judgment without providing the sheriff with

1 notice of the need to reschedule or cancel enforcement at
2 least 8 hours before to the scheduled enforcement.

3 For serving or attempting to serve an order or judgment
4 for the possession of real estate in an action of ejectment or
5 in any other action, or for restitution in an eviction action,
6 without aid, when filed electronically \$35, and when aid is
7 necessary, the sheriff shall be allowed to tax in addition the
8 actual costs of service.

9 For serving or attempting to serve notice of judgment,
10 \$35.

11 For levying to satisfy an order in an action for
12 attachment, \$25.

13 For executing order of court to seize personal property,
14 \$25.

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

22 For advertising property for sale, \$20.

23 For making certificate of sale and making and filing
24 duplicate for record, \$15, and the fee for recording same
25 shall be advanced by the judgment creditor and taxed as costs.

26 For preparing, executing and acknowledging deed on

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

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

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

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

12 For returning each process initially filed in person, \$25.

13 For returning each process initially filed electronically,
14 \$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
12 State Treasury. When one person is conveyed, 20¢ per mile in
13 going to the penitentiary, reformatories, Illinois State
14 Training School for Boys, Illinois State Training School for
15 Girls, Reception Centers and Illinois Security Hospital from
16 the place of conviction; when 2 persons are conveyed at the
17 same time, 20¢ per mile for the first and 15¢ per mile for the
18 second person; when more than 2 persons are conveyed at the
19 same time as Stated above, the sheriff shall be allowed 20¢ per
20 mile for the first, 15¢ per mile for the second and 10¢ per
21 mile for 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
26 paid for each trip so made. Mileage as used in this Section

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

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

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

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

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

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

1 The fee requirements of this Section do not apply to
2 police departments or other law enforcement agencies. For the
3 purposes of this Section, "law enforcement agency" means an
4 agency of the State or unit of local government which is vested
5 by law or ordinance with the duty to maintain public order and
6 to enforce criminal laws or ordinances.

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

9 (Source: P.A. 104-96, eff. 1-1-26.)