

SB3413



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB3413

Introduced 2/14/2020, by Sen. Brian W. Stewart

SYNOPSIS AS INTRODUCED:

55 ILCS 5/3-6023	from Ch. 34, par. 3-6023
55 ILCS 5/5-1103	from Ch. 34, par. 5-1103
55 ILCS 5/5-1103.05 new	
705 ILCS 135/905-43	

Amends the Counties Code. Reenacts a court services fee repealed by Public Act 100-987. Change the name of the fee to an assessment and provides that the assessment will be in addition to assessments in the Criminal and Traffic Assessment Act. Removes references to repealed cross references. Makes a conforming change in the Code. Amends the Criminal and Traffic Assessment Act making conforming changes. Effective immediately.

LRB101 20111 AWJ 69645 b

FISCAL NOTE ACT
MAY APPLY

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 3-6023, by reenacting and changing Section 5-1103, and by
6 adding Section 5-1103.05 as follows:

7 (55 ILCS 5/3-6023) (from Ch. 34, par. 3-6023)

8 Sec. 3-6023. Attendance at courts. Each sheriff shall, in
9 person or by deputy, county corrections officer, or court
10 security officer, attend upon all courts held in his or her
11 county when in session, and obey the lawful orders and
12 directions of the court, and shall maintain the security of the
13 courthouse. Court services customarily performed by sheriffs
14 shall be provided by the sheriff or his or her deputies, county
15 corrections officers, or court security officers, rather than
16 by employees of the court, unless there are no deputies, county
17 corrections officers, or court security officers available to
18 perform such services. The expenses of the sheriff in carrying
19 out his or her duties under this Section, including the
20 compensation of deputies, county corrections officers, or
21 court security officers assigned to such services, shall be
22 paid to the county from assessments ~~fees~~ collected pursuant to
23 court order for services of the sheriff and from any court

1 services assessments ~~fees~~ collected by the county under the
2 Criminal and Traffic Assessment Act and Section 5-1103 of this
3 Code.

4 (Source: P.A. 100-987, eff. 7-1-19.)

5 (55 ILCS 5/5-1103) (from Ch. 34, par. 5-1103)

6 Sec. 5-1103. Court services fee. In addition to any
7 assessment provided for under the Criminal and Traffic
8 Assessment Act, a A county board may enact by ordinance or
9 resolution a court services assessment ~~fee~~ dedicated to
10 defraying court security expenses incurred by the sheriff in
11 providing court services or for any other court services deemed
12 necessary by the sheriff to provide for court security,
13 including without limitation court services provided pursuant
14 to Section 3-6023, as now or hereafter amended. Such assessment
15 ~~fee~~ shall be paid in civil cases by each party at the time of
16 filing the first pleading, paper or other appearance; provided
17 that no additional assessment ~~fee~~ shall be required if more
18 than one party is represented in a single pleading, paper or
19 other appearance. In criminal, local ordinance, county
20 ordinance, traffic and conservation cases, such assessment ~~fee~~
21 shall be assessed against the defendant upon a plea of guilty,
22 stipulation of facts or findings of guilty, resulting in a
23 judgment of conviction, or order of supervision, or sentence of
24 probation without entry of judgment pursuant to Section 10 of
25 the Cannabis Control Act, Section 410 of the Illinois

1 Controlled Substances Act, Section 70 of the Methamphetamine
2 Control and Community Protection Act, ~~Section 12-4.3 or~~
3 subdivision (b)(1) of Section 12-3.05 of ~~the Criminal Code of~~
4 ~~1961 or~~ the Criminal Code of 2012, or ~~Section 10-102 of the~~
5 ~~Illinois Alcoholism and Other Drug Dependency Act,~~ Section
6 40-10 of the Substance Use Disorder Act, ~~or Section 10 of the~~
7 ~~Steroid Control Act.~~ In setting such assessment fee, the county
8 board may impose, with the concurrence of the Chief Judge of
9 the judicial circuit in which the county is located by
10 administrative order entered by the Chief Judge, differential
11 rates for the various types or categories of criminal and civil
12 cases, but the maximum rate shall not exceed \$25, unless the
13 assessment fee is set according to an acceptable cost study in
14 accordance with Section 4-5001 of the Counties Code. All
15 proceeds from this assessment fee must be used to defray court
16 security expenses incurred by the sheriff in providing court
17 services. No assessment fee shall be imposed or collected,
18 however, in traffic, conservation, and ordinance cases in which
19 fines are paid without a court appearance. The assessments fees
20 shall be collected in the manner in which all other court
21 assessments fees or costs are collected and shall be deposited
22 into the county general fund for payment solely of costs
23 incurred by the sheriff in providing court security or for any
24 other court services deemed necessary by the sheriff to provide
25 for court security.

26 (Source: P.A. 99-265, eff. 1-1-16; 100-759, eff. 1-1-19.)

1 (55 ILCS 5/5-1103.05 new)

2 Sec. 5-1103.05. Continuation of Section 5-1103; validation
3 under this amendatory Act of the 101st General Assembly.

4 (a) The General Assembly finds and declares all of the
5 following:

6 (1) Public Act 100-987, which took effect on August 20,
7 2018, repealed Section 5-1103 of this Code.

8 (2) The Statute on Statutes sets forth general rules on
9 the repeal of statutes and the construction of multiple
10 amendments, but Section 1 of that Act also states that
11 these rules will not be observed when the result would be
12 "inconsistent with the manifest intent of the General
13 Assembly or repugnant to the context of the statute".

14 (3) This amendatory Act of the 101st General Assembly
15 manifests the intention of the General Assembly not to
16 repeal Section 5-1103 of this Code and have that Section
17 continue in effect until it is otherwise lawfully repealed.

18 (4) Section 5-1103 of this Code was originally enacted
19 to protect, promote, and preserve the general welfare. Any
20 construction of this Code that results in the repeal of
21 Section 5-1103 on August 20, 2018 would be inconsistent
22 with the manifest intent of the General Assembly and
23 repugnant to the context of this Code.

24 (b) It is declared to have been the intent of the General
25 Assembly that Section 5-1103 of this Code not be subject to

1 repeal on August 20, 2018.

2 (c) Section 5-1103 of this Code shall be deemed to have
3 been in continuous effect since August 20, 2018, and it shall
4 continue to be in effect until it is otherwise lawfully
5 repealed. All previously enacted amendments to Section 5-1103
6 taking effect on or after August 20, 2018 are validated. All
7 actions taken in reliance on or under Section 5-1103 by any
8 person or entity are validated.

9 (d) In order to ensure the continuing effectiveness of
10 Section 5-1103 of this Code, Section 5-1103 is set forth in
11 full and reenacted by this amendatory Act of the 101st General
12 Assembly. Striking and underscoring are used only to show
13 changes being made to the base text. This reenactment is
14 intended as a continuation of Section 5-1103. This reenactment
15 applies to all claims, civil actions, and proceedings pending
16 on or filed on or before the effective date of this amendatory
17 Act of the 101st General Assembly.

18 Section 10. The Criminal and Traffic Assessment Act is
19 amended by changing Section 905-43 as follows:

20 (705 ILCS 135/905-43)

21 Sec. 905-43. The Counties Code is amended by repealing
22 Sections 3-4012, 4-2002, 4-2002.1, 5-1101, and 5-1101.5, ~~and~~
23 ~~5-1103.~~

24 (Source: P.A. 100-987, eff. 7-1-19.)

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