



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB3850

Introduced 2/14/2020, by Sen. Iris Y. Martinez

SYNOPSIS AS INTRODUCED:

5 ILCS 140/2	from Ch. 116, par. 202
5 ILCS 140/2.5	
705 ILCS 105/16	from Ch. 25, par. 16
705 ILCS 105/27.2b	
705 ILCS 105/27.3b	from Ch. 25, par. 27.3b
705 ILCS 135/5-20	

Amends the Freedom of Information Act. Provides that "public body" includes the Clerk of the Circuit Court of Cook County. Provides that all records relating to the obligation, receipt, and use of public funds of the Clerk of the Circuit Court of Cook County are public records subject to inspection and copying by the public. Amends the Clerks of Courts Act. Provides that records kept by the clerks of the circuit courts are subject to the Freedom of Information Act. Provides that specified unpaid assessments under the Criminal and Traffic Assessment Act shall not be included in an agreement between the clerk of the circuit court and the Department of Revenue to establish a program for the purposes of collecting certain balances owed. Provides that the clerk of the court shall (rather than may) accept credit card payments over the Internet for fines, penalties, court costs, or costs from offenders on voluntary electronic pleas of guilty in minor traffic and conservation offenses to satisfy the requirement of written pleas of guilty. Amends the Criminal and Traffic Assessment Act. Provides that one hour of public or community service shall be equivalent to \$10 (rather than \$4) of assessment.

LRB101 20333 LNS 69877 b

1 AN ACT concerning courts.

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

4 Section 5. The Freedom of Information Act is amended by
5 changing Sections 2 and 2.5 as follows:

6 (5 ILCS 140/2) (from Ch. 116, par. 202)

7 Sec. 2. Definitions. As used in this Act:

8 (a) "Public body" means all legislative, executive,
9 administrative, or advisory bodies of the State, state
10 universities and colleges, counties, townships, cities,
11 villages, incorporated towns, school districts and all other
12 municipal corporations, boards, bureaus, committees, or
13 commissions of this State, any subsidiary bodies of any of the
14 foregoing including but not limited to committees and
15 subcommittees thereof, ~~and~~ a School Finance Authority created
16 under Article 1E of the School Code, and the Clerk of the
17 Circuit Court of Cook County. "Public body" does not include a
18 child death review team or the Illinois Child Death Review
19 Teams Executive Council established under the Child Death
20 Review Team Act, or a regional youth advisory board or the
21 Statewide Youth Advisory Board established under the
22 Department of Children and Family Services Statewide Youth
23 Advisory Board Act.

1 (b) "Person" means any individual, corporation,
2 partnership, firm, organization or association, acting
3 individually or as a group.

4 (c) "Public records" means all records, reports, forms,
5 writings, letters, memoranda, books, papers, maps,
6 photographs, microfilms, cards, tapes, recordings, electronic
7 data processing records, electronic communications, recorded
8 information and all other documentary materials pertaining to
9 the transaction of public business, regardless of physical form
10 or characteristics, having been prepared by or for, or having
11 been or being used by, received by, in the possession of, or
12 under the control of any public body.

13 (c-5) "Private information" means unique identifiers,
14 including a person's social security number, driver's license
15 number, employee identification number, biometric identifiers,
16 personal financial information, passwords or other access
17 codes, medical records, home or personal telephone numbers, and
18 personal email addresses. Private information also includes
19 home address and personal license plates, except as otherwise
20 provided by law or when compiled without possibility of
21 attribution to any person.

22 (c-10) "Commercial purpose" means the use of any part of a
23 public record or records, or information derived from public
24 records, in any form for sale, resale, or solicitation or
25 advertisement for sales or services. For purposes of this
26 definition, requests made by news media and non-profit,

1 scientific, or academic organizations shall not be considered
2 to be made for a "commercial purpose" when the principal
3 purpose of the request is (i) to access and disseminate
4 information concerning news and current or passing events, (ii)
5 for articles of opinion or features of interest to the public,
6 or (iii) for the purpose of academic, scientific, or public
7 research or education.

8 (d) "Copying" means the reproduction of any public record
9 by means of any photographic, electronic, mechanical or other
10 process, device or means now known or hereafter developed and
11 available to the public body.

12 (e) "Head of the public body" means the president, mayor,
13 chairman, presiding officer, director, superintendent,
14 manager, supervisor or individual otherwise holding primary
15 executive and administrative authority for the public body, or
16 such person's duly authorized designee.

17 (f) "News media" means a newspaper or other periodical
18 issued at regular intervals whether in print or electronic
19 format, a news service whether in print or electronic format, a
20 radio station, a television station, a television network, a
21 community antenna television service, or a person or
22 corporation engaged in making news reels or other motion
23 picture news for public showing.

24 (g) "Recurrent requester", as used in Section 3.2 of this
25 Act, means a person that, in the 12 months immediately
26 preceding the request, has submitted to the same public body

1 (i) a minimum of 50 requests for records, (ii) a minimum of 15
2 requests for records within a 30-day period, or (iii) a minimum
3 of 7 requests for records within a 7-day period. For purposes
4 of this definition, requests made by news media and non-profit,
5 scientific, or academic organizations shall not be considered
6 in calculating the number of requests made in the time periods
7 in this definition when the principal purpose of the requests
8 is (i) to access and disseminate information concerning news
9 and current or passing events, (ii) for articles of opinion or
10 features of interest to the public, or (iii) for the purpose of
11 academic, scientific, or public research or education.

12 For the purposes of this subsection (g), "request" means a
13 written document (or oral request, if the public body chooses
14 to honor oral requests) that is submitted to a public body via
15 personal delivery, mail, telefax, electronic mail, or other
16 means available to the public body and that identifies the
17 particular public record the requester seeks. One request may
18 identify multiple records to be inspected or copied.

19 (h) "Voluminous request" means a request that: (i) includes
20 more than 5 individual requests for more than 5 different
21 categories of records or a combination of individual requests
22 that total requests for more than 5 different categories of
23 records in a period of 20 business days; or (ii) requires the
24 compilation of more than 500 letter or legal-sized pages of
25 public records unless a single requested record exceeds 500
26 pages. "Single requested record" may include, but is not

1 limited to, one report, form, e-mail, letter, memorandum, book,
2 map, microfilm, tape, or recording.

3 "Voluminous request" does not include a request made by
4 news media and non-profit, scientific, or academic
5 organizations if the principal purpose of the request is: (1)
6 to access and disseminate information concerning news and
7 current or passing events; (2) for articles of opinion or
8 features of interest to the public; or (3) for the purpose of
9 academic, scientific, or public research or education.

10 For the purposes of this subsection (h), "request" means a
11 written document, or oral request, if the public body chooses
12 to honor oral requests, that is submitted to a public body via
13 personal delivery, mail, telefax, electronic mail, or other
14 means available to the public body and that identifies the
15 particular public record or records the requester seeks. One
16 request may identify multiple individual records to be
17 inspected or copied.

18 (i) "Severance agreement" means a mutual agreement between
19 any public body and its employee for the employee's resignation
20 in exchange for payment by the public body.

21 (Source: P.A. 98-806, eff. 1-1-15; 98-1129, eff. 12-3-14;
22 99-78, eff. 7-20-15; 99-478, eff. 6-1-16.)

23 (5 ILCS 140/2.5)

24 Sec. 2.5. Records of funds. All records relating to the
25 obligation, receipt, and use of public funds of the State,

1 units of local government, the Clerk of the Circuit Court of
 2 Cook County, and school districts are public records subject to
 3 inspection and copying by the public.
 4 (Source: P.A. 96-542, eff. 1-1-10.)

5 Section 10. The Clerks of Courts Act is amended by changing
 6 Sections 16, 27.2b, and 27.3b as follows:

7 (705 ILCS 105/16) (from Ch. 25, par. 16)

8 Sec. 16. Records kept by the clerks of the circuit courts
 9 are subject to the provisions of "The Local Records Act",
 10 approved August 18, 1961, as amended, and the Freedom of
 11 Information Act.

12 Unless otherwise provided by rule or administrative order
 13 of the Supreme Court, the respective clerks of the circuit
 14 courts shall keep in their offices the following books:

15 1. A general docket, upon which shall be entered all suits,
 16 in the order in which they are commenced.

17 2. Two well-bound books, to be denominated "Plaintiff's
 18 Index to Court Records," and "Defendant's Index to Court
 19 Records" to be ruled and printed substantially in the following
 20 manner:

21

22	Plaintiffs	Defendants	Kind of	Date	Record	Pages
23			Action	Commenced	Book	
24					

1

2

3 Date of Judgment

4 judgment docket

5

6 Book Page

7

8 CertificateSatisfied

9 Certificate Certificate of or not Number

10 of levy of sale redemption satisfied of case

11

12 Fee Book Book Page Book Page Book Page

13

14 All cases shall be entered in such books, in alphabetical
15 order, by the name of each plaintiff and defendant. The books
16 shall set forth the names of the parties, kind of action, date
17 commenced, the record books and pages on which the cases are
18 recorded, the date of judgment, books and pages of the judgment
19 dockets, fee book, certificates of levy, sale and redemption
20 records on which they are entered satisfied or not satisfied,
21 and number of case. The defendant's index shall be ruled and
22 printed in the same manner as the plaintiff's except the
23 parties shall be reversed.

24 3. Proper books of record, with indices, showing the names
25 of all parties to any action or judgment therein recorded, with
26 a reference to the page where it is recorded.

1 4. A judgment docket, in which all final judgments (except
2 child support orders as hereinafter provided) shall be minuted
3 at the time they are entered, or within 60 days thereafter in
4 alphabetical order, by the name of every person against whom
5 the judgment is entered, showing, in the proper columns ruled
6 for that purpose, the names of the parties, the date, nature of
7 the judgment, amount of the judgment and costs in separate
8 items, for which it is issued, to whom issued, when returned,
9 and the manner of its enforcement; a blank column shall be kept
10 in which may be entered a note of the satisfaction or other
11 disposition of the judgment or order and when satisfied by
12 enforcement or otherwise, or set aside or enjoined; the clerk
13 shall enter a minute thereof in such column, showing how
14 disposed of, the date and the book and page, where the evidence
15 thereof is to be found. In the case of child support orders or
16 modifications of such orders entered on or after May 1, 1987,
17 the clerk shall minute such orders or modifications in the
18 manner and form provided herein but shall not minute every
19 child support installment when due or every child support
20 payment when made. Such dockets may be searched by persons, at
21 all reasonable times without fee.

22 5. A fee book, in which shall be distinctly set down, in
23 items, the proper title of the cause and heads, the cost of
24 each action, including clerk's, sheriff's and witness' fees,
25 stating the name of each witness having claimed attendance in
26 respect of the trial or hearing of such action with the number

1 of days attended. It shall not be necessary to insert the cost
2 in the judgment; but whenever an action is determined and final
3 judgment entered, the costs of each party litigant shall be
4 made up and entered in such fee book, which shall be considered
5 a part of the record and judgment, subject, however, at all
6 times to be corrected by the court; and the prevailing party
7 shall be considered as having recovered judgment for the amount
8 of the costs so taxed in his or her favor, and the same shall be
9 included in the certified copy of such judgment, and a bill
10 thereof accompanying certified copy of the judgment. If any
11 clerk shall issue a fee bill or a bill of costs, with the
12 certified copy of the judgment without first entering the same
13 in the fee book, or if any such bill of costs or fee bill shall
14 be issued which shall not be in substance a copy of the
15 recorded bill, the same shall be void. Any person having paid
16 such bill of costs or fee bill, may recover from the clerk the
17 amount thereof, with costs of the action, in any circuit court.

18 6. Such other books of record and entry as are provided by
19 law, or may be required in the proper performance of their
20 duties. All records, dockets and books required by law to be
21 kept by such clerks shall be deemed public records, and shall
22 at all times be open to inspection without fee or reward, and
23 all persons shall have free access for inspection and
24 examination to such records, docket and books, and also to all
25 papers on file in the different clerks' offices and shall have
26 the right to take memoranda and abstracts thereto.

1 (Source: P.A. 85-1156.)

2 (705 ILCS 105/27.2b)

3 Sec. 27.2b. State income tax refund intercept. The Clerk
4 of the Circuit Court may enter into an agreement with the
5 Illinois Department of Revenue to establish a pilot program for
6 the purpose of collecting certain balances owed. The purpose
7 shall be to intercept, in whole or in part, State income tax
8 refunds due the persons who owe past due fees to the Clerk of
9 the Circuit Court in order to satisfy unpaid assessments under
10 the Criminal and Traffic Assessment Act and fines as ordered by
11 the court. The agreement may not be implemented to collect the
12 following unpaid assessments under the Criminal and Traffic
13 Assessment Act: (i) Schedule 5 under Section 15-25; (ii)
14 Schedule 6 under Section 15-30; (iii) Schedule 10 under Section
15 15-50; (iv) Schedule 11 under Section 15-55; (v) Schedule 12
16 under Section 15-60; and (vi) Schedule 13 under Section 15-65.

17 The agreement shall include, but may not be limited to, a
18 certification by the Clerk of the Circuit Court that the debt
19 claims forwarded to the Department of Revenue are valid and
20 that reasonable efforts have been made to notify persons of the
21 delinquency of the debt. The agreement shall include provisions
22 for payment of the intercept by the Department of Revenue to
23 the Clerk of the Circuit Court and procedures for an
24 appeal/protest by the debtor when an intercept occurs. The
25 agreement may also include provisions to allow the Department

1 of Revenue to recover its cost for administering the program.

2 Intercepts made pursuant to this Section shall not
3 interfere with the collection of debts related to child
4 support. During the collection of debts under this Section,
5 when there are 2 or more debt claims certified to the
6 Department at the same time, priority of collection shall be as
7 provided in Section 911.3 of the Illinois Income Tax Act.

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

9 (705 ILCS 105/27.3b) (from Ch. 25, par. 27.3b)

10 Sec. 27.3b. The clerk of court may accept payment of fines,
11 penalties, or costs by credit card or debit card approved by
12 the clerk from an offender who has been convicted of or placed
13 on court supervision for a traffic offense, petty offense,
14 ordinance offense, or misdemeanor or who has been convicted of
15 a felony offense. The clerk of the circuit court shall ~~may~~
16 accept credit card payments over the Internet for fines,
17 penalties, court costs, or costs from offenders on voluntary
18 electronic pleas of guilty in minor traffic and conservation
19 offenses to satisfy the requirement of written pleas of guilty
20 as provided in Illinois Supreme Court Rule 529. The clerk of
21 the court may also accept payment of statutory fees by a credit
22 card or debit card. The clerk of the court may also accept the
23 credit card or debit card for the cash deposit of bail bond
24 fees.

25 The Clerk of the circuit court is authorized to enter into

1 contracts with credit card or debit card companies approved by
2 the clerk and to negotiate the payment of convenience and
3 administrative fees normally charged by those companies for
4 allowing the clerk of the circuit court to accept their credit
5 cards or debit cards in payment as authorized herein. The clerk
6 of the circuit court is authorized to enter into contracts with
7 third party fund guarantors, facilitators, and service
8 providers under which those entities may contract directly with
9 customers of the clerk of the circuit court and guarantee and
10 remit the payments to the clerk of the circuit court. Where the
11 offender pays fines, penalties, or costs by credit card or
12 debit card or through a third party fund guarantor,
13 facilitator, or service provider, or anyone paying statutory
14 fees of the circuit court clerk or the posting of cash bail,
15 the clerk shall collect a service fee of up to \$5 or the amount
16 charged to the clerk for use of its services by the credit card
17 or debit card issuer, third party fund guarantor, facilitator,
18 or service provider. This service fee shall be in addition to
19 any other fines, penalties, or costs. The clerk of the circuit
20 court is authorized to negotiate the assessment of convenience
21 and administrative fees by the third party fund guarantors,
22 facilitators, and service providers with the revenue earned by
23 the clerk of the circuit court to be remitted to the county
24 general revenue fund.

25 (Source: P.A. 95-331, eff. 8-21-07.)

1 Section 15. The Criminal and Traffic Assessment Act is
2 amended by changing Section 5-20 as follows:

3 (705 ILCS 135/5-20)

4 (Section scheduled to be repealed on January 1, 2021)

5 Sec. 5-20. Credit; time served; community service.

6 (a) Any credit for time served prior to sentencing that
7 reduces the amount a defendant is required to pay shall be
8 deducted from the fine, if any, ordered by the court.

9 (b) Excluding any ordered conditional assessment, a
10 defendant who has been ordered to pay an assessment may
11 petition the court to convert all or part of the assessment
12 into court-approved public or community service. One hour of
13 public or community service shall be equivalent to \$10 ~~\$4~~ of
14 assessment. The performance of this public or community service
15 shall be a condition of probation, conditional discharge, or
16 supervision and shall be in addition to the performance of any
17 other period of public or community service ordered by the
18 court or required by law.

19 (Source: P.A. 100-987, eff. 7-1-19; 101-408, eff. 1-1-20.)