

**SB2357**



**96TH GENERAL ASSEMBLY**

**State of Illinois**

**2009 and 2010**

**SB2357**

Introduced 2/27/2009, by Sen. Kirk W. Dillard

**SYNOPSIS AS INTRODUCED:**

55 ILCS 5/4-2002

from Ch. 34, par. 4-2002

Amends the Counties Code. Increases the current fees charged by State's Attorneys. Adds a \$2 fee to be paid by a defendant on a judgment of guilty or a grant of supervision to be used by the State's Attorney for records automation, including hardware, software, research and development costs, and related personnel.

LRB096 08959 RLJ 19097 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 4-2002 as follows:

6 (55 ILCS 5/4-2002) (from Ch. 34, par. 4-2002)

7 Sec. 4-2002. State's attorney fees in counties under  
8 3,000,000 population. This Section applies only to counties  
9 with fewer than 3,000,000 inhabitants.

10 (a) State's attorneys shall be entitled to the following  
11 fees, however, the fee requirement of this subsection does not  
12 apply to county boards:

13 For each conviction in prosecutions on indictments for  
14 first degree murder, second degree murder, involuntary  
15 manslaughter, criminal sexual assault, aggravated criminal  
16 sexual assault, aggravated criminal sexual abuse, kidnapping,  
17 arson and forgery, \$90 ~~\$30~~. All other cases punishable by  
18 imprisonment in the penitentiary, \$60 ~~\$30~~.

19 For each conviction in other cases tried before judges of  
20 the circuit court or resulting in a disposition of court  
21 supervision following a trial, \$30 ~~, \$15; except that if the~~  
22 ~~conviction is in a case which may be assigned to an associate~~  
23 ~~judge, whether or not it is in fact assigned to an associate~~

1 ~~judge, the fee shall be \$10.~~

2 For preliminary examinations for each defendant held to  
3 bail or recognizance, \$20 ~~\$10~~.

4 For each examination of a party bound over to keep the  
5 peace, \$20 ~~\$10~~.

6 For each defendant held to answer in a circuit court on a  
7 charge of paternity, \$20 ~~\$10~~.

8 For each trial on a charge of paternity, \$60 ~~\$30~~.

9 For each case of appeal taken from his county or from the  
10 county to which a change of venue is taken to his county to the  
11 Supreme or Appellate Court when prosecuted or defended by him,  
12 \$100 ~~\$50~~.

13 For each day actually employed in the trial of a case, \$50  
14 ~~\$25~~; in which case the court before whom the case is tried  
15 shall make an order specifying the number of days for which a  
16 per diem shall be allowed.

17 For each day actually employed in the trial of cases of  
18 felony arising in their respective counties and taken by change  
19 of venue to another county, \$50 ~~\$25~~; and the court before whom  
20 the case is tried shall make an order specifying the number of  
21 days for which said per diem shall be allowed; and it is hereby  
22 made the duty of each State's attorney to prepare and try each  
23 case of felony arising when so taken by change of venue.

24 For assisting in a trial of each case on an indictment for  
25 felony brought by change of venue to their respective counties,  
26 the same fees they would be entitled to if such indictment had

1 been found for an offense committed in his county, and it shall  
2 be the duty of the State's attorney of the county to which such  
3 cause is taken by change of venue to assist in the trial  
4 thereof.

5 For each case of forfeited recognizance where the  
6 forfeiture is set aside at the instance of the defense, in  
7 addition to the ordinary costs, \$20 ~~\$10~~ for each defendant.

8 For each proceeding in a circuit court to inquire into the  
9 alleged mental illness of any person, \$20 ~~\$10~~ for each  
10 defendant.

11 For each proceeding in a circuit court to inquire into the  
12 alleged dependency or delinquency of any child, \$20 ~~\$10~~.

13 For each day actually employed in the hearing of a case of  
14 habeas corpus in which the people are interested, \$50 ~~\$25~~.

15 For each violation of the Criminal Code of 1961 and the  
16 Illinois Vehicle Code in which a defendant has entered a plea  
17 of guilty or a defendant has stipulated to the facts supporting  
18 the charge or a finding of guilt and the court has entered an  
19 order of supervision, \$10.

20 A \$2 fee to be paid by the defendant on a judgment of  
21 guilty or a grant of supervision for a violation of any  
22 provision of the Illinois Vehicle Code or any felony,  
23 misdemeanor, or petty offense to discharge the expenses of the  
24 State's Attorney's office for establishing and maintaining  
25 automated records keeping systems. This fee shall be remitted  
26 monthly to the county treasurer, to be retained by him or her

1 in a special fund designated as the State's Attorney records  
2 automation fund. Expenditures from this fund may be made by the  
3 State's Attorney for hardware, software, research and  
4 development costs, and related personnel.

5 All the foregoing fees shall be taxed as costs to be  
6 collected from the defendant, if possible, upon conviction. But  
7 in cases of inquiry into the mental illness of any person  
8 alleged to be mentally ill, in cases on a charge of paternity  
9 and in cases of appeal in the Supreme or Appellate Court, where  
10 judgment is in favor of the accused, the fees allowed the  
11 State's attorney therein shall be retained out of the fines and  
12 forfeitures collected by them in other cases.

13 Ten per cent of all moneys except revenue, collected by  
14 them and paid over to the authorities entitled thereto, which  
15 per cent together with the fees provided for herein that are  
16 not collected from the parties tried or examined, shall be paid  
17 out of any fines and forfeited recognizances collected by them,  
18 provided however, that in proceedings to foreclose the lien of  
19 delinquent real estate taxes State's attorneys shall receive a  
20 fee, to be credited to the earnings of their office, of 10% of  
21 the total amount realized from the sale of real estate sold in  
22 such proceedings. Such fees shall be paid from the total amount  
23 realized from the sale of the real estate sold in such  
24 proceedings.

25 State's attorneys shall have a lien for their fees on all  
26 judgments for fines or forfeitures procured by them and on

1 moneys except revenue received by them until such fees and  
2 earnings are fully paid.

3 No fees shall be charged on more than 10 counts in any one  
4 indictment or information on trial and conviction; nor on more  
5 than 10 counts against any one defendant on pleas of guilty.

6 The Circuit Court may direct that of all monies received,  
7 by restitution or otherwise, which monies are ordered paid to  
8 the Department of Healthcare and Family Services (formerly  
9 Department of Public Aid) or the Department of Human Services  
10 (acting as successor to the Department of Public Aid under the  
11 Department of Human Services Act) as a direct result of the  
12 efforts of the State's attorney and which payments arise from  
13 Civil or Criminal prosecutions involving the Illinois Public  
14 Aid Code or the Criminal Code, the following amounts shall be  
15 paid quarterly by the Department of Healthcare and Family  
16 Services or the Department of Human Services to the General  
17 Corporate Fund of the County in which the prosecution or cause  
18 of action took place:

19 (1) where the monies result from child support  
20 obligations, not more than 25% of the federal share of the  
21 monies received,

22 (2) where the monies result from other than child  
23 support obligations, not more than 25% of the State's share  
24 of the monies received.

25 (b) A municipality shall be entitled to a \$10 prosecution  
26 fee for each conviction for a violation of the Illinois Vehicle

1 Code prosecuted by the municipal attorney pursuant to Section  
2 16-102 of that Code which is tried before a circuit or  
3 associate judge and shall be entitled to a \$10 prosecution fee  
4 for each conviction for a violation of a municipal vehicle  
5 ordinance or nontraffic ordinance prosecuted by the municipal  
6 attorney which is tried before a circuit or associate judge.  
7 Such fee shall be taxed as costs to be collected from the  
8 defendant, if possible, upon conviction. A municipality shall  
9 have a lien for such prosecution fees on all judgments or fines  
10 procured by the municipal attorney from prosecutions for  
11 violations of the Illinois Vehicle Code and municipal vehicle  
12 ordinances or nontraffic ordinances.

13 For the purposes of this subsection (b), "municipal vehicle  
14 ordinance" means any ordinance enacted pursuant to Sections  
15 11-40-1, 11-40-2, 11-40-2a and 11-40-3 of the Illinois  
16 Municipal Code or any ordinance enacted by a municipality which  
17 is similar to a provision of Chapter 11 of the Illinois Vehicle  
18 Code.

19 (Source: P.A. 95-331, eff. 8-21-07; 95-385, eff. 1-1-08.)