



Rep. Joe Sosnowski

Filed: 3/9/2011

09700HB2556ham001

LRB097 07799 KMW 51755 a

1 AMENDMENT TO HOUSE BILL 2556

2 AMENDMENT NO. _____. Amend House Bill 2556 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Counties Code is amended by changing
5 Section 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,

1 arson and forgery, \$30. All other cases punishable by
2 imprisonment in the penitentiary, \$30.

3 For each conviction in other cases tried before judges of
4 the circuit court, \$15; except that if the conviction is in a
5 case which may be assigned to an associate judge, whether or
6 not it is in fact assigned to an associate judge, the fee shall
7 be \$10.

8 For preliminary examinations for each defendant held to
9 bail or recognizance, \$10.

10 For each examination of a party bound over to keep the
11 peace, \$10.

12 For each defendant held to answer in a circuit court on a
13 charge of paternity, \$10.

14 For each trial on a charge of paternity, \$30.

15 For each case of appeal taken from his county or from the
16 county to which a change of venue is taken to his county to the
17 Supreme or Appellate Court when prosecuted or defended by him,
18 \$50.

19 For each day actually employed in the trial of a case, \$25;
20 in which case the court before whom the case is tried shall
21 make an order specifying the number of days for which a per
22 diem shall be allowed.

23 For each day actually employed in the trial of cases of
24 felony arising in their respective counties and taken by change
25 of venue to another county, \$25; and the court before whom the
26 case is tried shall make an order specifying the number of days

1 for which said per diem shall be allowed; and it is hereby made
2 the duty of each State's attorney to prepare and try each case
3 of felony arising when so taken by change of venue.

4 For assisting in a trial of each case on an indictment for
5 felony brought by change of venue to their respective counties,
6 the same fees they would be entitled to if such indictment had
7 been found for an offense committed in his county, and it shall
8 be the duty of the State's attorney of the county to which such
9 cause is taken by change of venue to assist in the trial
10 thereof.

11 For each case of forfeited recognizance where the
12 forfeiture is set aside at the instance of the defense, in
13 addition to the ordinary costs, \$10 for each defendant.

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

16 For each proceeding in a circuit court to inquire into the
17 alleged dependency or delinquency of any child, \$10.

18 For each day actually employed in the hearing of a case of
19 habeas corpus in which the people are interested, \$25.

20 For each violation of the Criminal Code of 1961 and the
21 Illinois Vehicle Code in which a defendant has entered a plea
22 of guilty or a defendant has stipulated to the facts supporting
23 the charge or a finding of guilt and the court has entered an
24 order of supervision, \$10.

25 All the foregoing fees shall be taxed as costs to be
26 collected from the defendant, if possible, upon conviction. But

1 in cases of inquiry into the mental illness of any person
2 alleged to be mentally ill, in cases on a charge of paternity
3 and in cases of appeal in the Supreme or Appellate Court, where
4 judgment is in favor of the accused, the fees allowed the
5 State's attorney therein shall be retained out of the fines and
6 forfeitures collected by them in other cases.

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

19 State's attorneys shall have a lien for their fees on all
20 judgments for fines or forfeitures procured by them and on
21 moneys except revenue received by them until such fees and
22 earnings are fully paid.

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

26 The Circuit Court may direct that of all monies received,

1 by restitution or otherwise, which monies are ordered paid to
2 the Department of Healthcare and Family Services (formerly
3 Department of Public Aid) or the Department of Human Services
4 (acting as successor to the Department of Public Aid under the
5 Department of Human Services Act) as a direct result of the
6 efforts of the State's attorney and which payments arise from
7 Civil or Criminal prosecutions involving the Illinois Public
8 Aid Code or the Criminal Code, the following amounts shall be
9 paid quarterly by the Department of Healthcare and Family
10 Services or the Department of Human Services to the General
11 Corporate Fund of the County in which the prosecution or cause
12 of action took place:

13 (1) where the monies result from child support
14 obligations, not more than 25% of the federal share of the
15 monies received,

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

19 In addition to any other amounts to which State's Attorneys
20 are entitled under this Section, State's Attorneys are entitled
21 to \$10 of the fine that is imposed under Section 5-9-1.17 of
22 the Unified Code of Corrections, as set forth in that Section.

23 (b) A municipality shall be entitled to a \$25 prosecution
24 fee for each conviction for a violation of the Illinois Vehicle
25 Code prosecuted by the municipal attorney pursuant to Section
26 16-102 of that Code which results in a finding of guilt ~~is~~

1 ~~tried~~ before a circuit or associate judge or in which a
2 defendant has stipulated to the facts supporting the charge or
3 a finding of guilt and the court has entered an order of
4 supervision and shall be entitled to a \$25 prosecution fee for
5 each conviction for a violation of a municipal vehicle
6 ordinance or nontraffic ordinance which results in a finding of
7 guilt ~~prosecuted by the municipal attorney which is tried~~
8 before a circuit or associate judge or in which a defendant has
9 stipulated to the facts supporting the charge or a finding of
10 guilt and the court has entered an order of supervision. Such
11 fee shall be taxed as costs to be collected from the defendant,
12 if possible, upon disposition of the case ~~conviction~~. A
13 municipality shall have a lien for such prosecution fees on all
14 judgments or fines procured by the municipal attorney from
15 prosecutions for violations of the Illinois Vehicle Code and
16 municipal vehicle ordinances or nontraffic ordinances.

17 For the purposes of this subsection (b), "municipal vehicle
18 ordinance" means any ordinance enacted pursuant to Sections
19 11-40-1, 11-40-2, 11-40-2a and 11-40-3 of the Illinois
20 Municipal Code or any ordinance enacted by a municipality which
21 is similar to a provision of Chapter 11 of the Illinois Vehicle
22 Code.

23 (Source: P.A. 95-331, eff. 8-21-07; 95-385, eff. 1-1-08;
24 96-707, eff. 1-1-10; 96-1186, eff. 7-22-10.)

25 Section 99. Effective date. This Act takes effect upon

1 becoming law.".