



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB4032

by Rep. Michael J. Zalewski and Elaine Nekritz

#### SYNOPSIS AS INTRODUCED:

705 ILCS 105/16

from Ch. 25, par. 16

725 ILCS 5/108-10

from Ch. 38, par. 108-10

Amends the Clerks of Courts Act and the Code of Criminal Procedure of 1963. Provides that a return of all instruments, articles, or things seized pursuant to a search warrant shall be made no more than 8 business days after the execution of the warrant before the judge issuing the warrant or before any judge named in the warrant or before any court of competent jurisdiction. Provides that any and all records in possession of the clerk of the court obtained pursuant to this provision shall be deemed public records, and shall at all times be open to inspection without fee or reward, and all persons shall have free access for inspection and examination to such records. Effective immediately.

LRB097 15490 RLC 60604 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 Clerks of Courts Act is amended by changing  
5 Section 16 as follows:

6 (705 ILCS 105/16) (from Ch. 25, par. 16)

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

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

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

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

19 .....

20 Plaintiffs	Defendants	Kind of	Date	Record	Pages
21		Action	Commenced	Book	
22	.....	.....	.....	.....	.....
23	.....	.....	.....	.....	.....

1	.....			
2		Date of	Judgment	
3		judgment	docket	
4	.....			
5		Book Page		
6	.....			
7		CertificateSatisfied		
8		Certificate	Certificate	of or not Number
9		of levy	of sale	redemption satisfied of case
10	.....			
11	Fee Book	Book Page	Book Page	Book Page
12	.....			

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

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

26 4. A judgment docket, in which all final judgments (except

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

21 5. A fee book, in which shall be distinctly set down, in  
22 items, the proper title of the cause and heads, the cost of  
23 each action, including clerk's, sheriff's and witness' fees,  
24 stating the name of each witness having claimed attendance in  
25 respect of the trial or hearing of such action with the number  
26 of days attended. It shall not be necessary to insert the cost

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

17 6. Such other books of record and entry as are provided by  
18 law, or may be required in the proper performance of their  
19 duties. All records, dockets and books required by law to be  
20 kept by such clerks, including any and all records in  
21 possession of such clerks obtained pursuant to Section 108-10  
22 of the Code of Criminal Procedure of 1963, shall be deemed  
23 public records, and shall at all times be open to inspection  
24 without fee or reward, and all persons shall have free access  
25 for inspection and examination to such records, docket and  
26 books, and also to all papers on file in the different clerks'

1 offices and shall have the right to take memoranda and  
2 abstracts thereto.

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

4 Section 10. The Code of Criminal Procedure of 1963 is  
5 amended by changing Section 108-10 as follows:

6 (725 ILCS 5/108-10) (from Ch. 38, par. 108-10)

7 Sec. 108-10. Return to court of things seized.

8 A return of all instruments, articles or things seized  
9 shall be made without unnecessary delay, but not more than 8  
10 business days after the execution of the warrant, before the  
11 judge issuing the warrant or before any judge named in the  
12 warrant or before any court of competent jurisdiction. An  
13 inventory of any instruments, articles or things seized shall  
14 be filed with the return and signed under oath by the officer  
15 or person executing the warrant. The judge shall upon request  
16 deliver a copy of the inventory to the person from whom or from  
17 whose premises the instruments, articles or things were taken  
18 and to the applicant for the warrant.

19 (Source: Laws 1963, p. 2836.)

20 Section 99. Effective date. This Act takes effect upon  
21 becoming law.