

1 AN ACT concerning legal assistance.

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

4 Section 1. Short title. This Act may be cited as the Access  
5 to Justice Act.

6 Section 5. Findings.

7 (a) The justice system in this State can only function  
8 fairly and effectively when there is meaningful access to legal  
9 information, resources, and assistance for all litigants,  
10 regardless of their income or circumstances.

11 (b) Increasing numbers of people throughout this State are  
12 coming into the courts without legal representation for cases  
13 involving important legal matters impacting the basics of life  
14 such as health, safety, and shelter. In order for the courts to  
15 provide fair and efficient administration of justice in these  
16 cases, it is critical that people have better access to varying  
17 levels of legal assistance appropriate for their individual  
18 circumstances.

19 (c) An increasing number of active duty service members and  
20 veterans in this State have a need for legal information and  
21 assistance in a variety of matters that are often critical to  
22 their safety and independence, yet they are often unable to  
23 access that assistance.

1 Section 10. Pilot programs.

2 (a) The General Assembly encourages the Supreme Court to  
3 develop: (i) a pilot program to create a statewide military  
4 personnel and veterans' legal assistance hotline and  
5 coordinated network of legal support resources; and (ii) a  
6 pilot program to provide court-based legal assistance within a  
7 circuit court in each appellate district of this State.

8 (b) The General Assembly recommends that the rules  
9 developing the pilot programs:

10 (1) provide intake, screening, and varying levels of  
11 legal assistance to ensure that the parties served by these  
12 programs have meaningful access to justice;

13 (2) gather information on the outcomes associated with  
14 providing the services described in paragraph (1) of this  
15 subsection; and

16 (3) guard against the involuntary waiver of rights or  
17 disposition by default.

18 Section 15. Access to Justice Fund. The Access to Justice  
19 Fund is created as a special fund in the State treasury. The  
20 Fund shall consist of fees collected under Section 27.3g of the  
21 Clerks of Courts Act. There is hereby appropriated, on a  
22 continuing annual basis in each fiscal year, from the Access to  
23 Justice Fund, the amount, if any, of funds received into the  
24 Access to Justice Fund to the Supreme Court for the

1 administration of the pilot programs created under this Act.

2 Section 20. Evaluation. The Supreme Court shall study the  
3 effectiveness of the pilot programs implemented under this Act  
4 and submit a report to the General Assembly by June 1, 2017.  
5 The report shall include the number of people served in each  
6 pilot program and data on the impact of varying levels of legal  
7 assistance on access to justice, the effect on fair and  
8 efficient court administration, and the impact on government  
9 programs and community resources. This report shall describe  
10 the benefits of providing legal assistance to those who were  
11 previously unrepresented, both for the clients and the courts,  
12 and shall describe strategies and recommendations for  
13 maximizing the benefit of that representation in the future.  
14 The report shall include an assessment of the continuing unmet  
15 needs and, if available, data regarding those unmet needs.

16 Section 25. Statutory Court Fee Task Force.

17 (a) There is hereby created the Statutory Court Fee Task  
18 Force. The purpose of the Task Force is to conduct a thorough  
19 review of the various statutory fees imposed or assessed on  
20 criminal defendants and civil litigants.

21 (b) The Task Force shall consist of 15 members, appointed  
22 as follows: one each by the Speaker of the House of  
23 Representatives, the Minority Leader of the House of  
24 Representatives, the President of the Senate, and the Minority

1 Leader of the Senate; 2 by the association representing circuit  
2 court clerks; 2 by the Governor, and 7 by the Supreme Court.

3 (c) At the direction of the Supreme Court, the  
4 Administrative Office of the Illinois Courts shall provide  
5 administrative support to the Task Force.

6 (d) The Task Force shall submit a report containing its  
7 findings and any recommendations to the Supreme Court and the  
8 General Assembly by June 1, 2014.

9 Section 30. The State Finance Act is amended by adding  
10 Section 5.826 as follows:

11 (30 ILCS 105/5.826 new)

12 Sec. 5.826. The Access to Justice Fund.

13 Section 35. The Counties Code is amended by changing  
14 Section 5-39001 as follows:

15 (55 ILCS 5/5-39001) (from Ch. 34, par. 5-39001)

16 Sec. 5-39001. Establishment and use; fee. The county board  
17 of any county may establish and maintain a county law library,  
18 to be located in any county building or privately or publicly  
19 owned building at the county seat of government. The term  
20 "county building" includes premises leased by the county from a  
21 public building commission created under the Public Building  
22 Commission Act. After August 2, 1976, the county board of any

1 county may establish and maintain a county law library at the  
2 county seat of government and, in addition, branch law  
3 libraries in other locations within that county as the county  
4 board deems necessary.

5 The facilities of those libraries shall be freely available  
6 to all licensed Illinois attorneys, judges, other public  
7 officers of the county, and all members of the public, whenever  
8 the court house is open, and may include self-help centers and  
9 other legal assistance programs for the public as part of the  
10 services it provides on-site and online.

11 The expense of establishing and maintaining those  
12 libraries shall be borne by the county. To defray that expense,  
13 including the expense of any attendant self-help centers and  
14 legal assistance programs, in any county having established a  
15 county law library or libraries, the clerk of all trial courts  
16 located at the county seat of government shall charge and  
17 collect a county law library fee of \$2, and the county board  
18 may authorize a county law library fee of not to exceed (i) \$18  
19 in 2009, (ii) \$19 in 2010, and (iii) \$21 in 2011 and  
20 thereafter, to be charged and collected by the clerks of all  
21 trial courts located in the county. The fee shall be paid at  
22 the time of filing the first pleading, paper, or other  
23 appearance filed by each party in all civil cases, but no  
24 additional fee shall be required if more than one party is  
25 represented in a single pleading, paper, or other appearance.

26 Each clerk shall commence those charges and collections

1 upon receipt of written notice from the chairman of the county  
2 board that the board has acted under this Division to establish  
3 and maintain a law library.

4 The fees shall be in addition to all other fees and charges  
5 of the clerks, assessable as costs, remitted by the clerks  
6 monthly to the county treasurer, and retained by the county  
7 treasurer in a special fund designated as the County Law  
8 Library Fund. Except as otherwise provided in this paragraph,  
9 disbursements from the fund shall be by the county treasurer,  
10 on order of a majority of the resident circuit judges of the  
11 circuit court of the county. In any county with more than  
12 2,000,000 inhabitants, the county board shall order  
13 disbursements from the fund and the presiding officer of the  
14 county board, with the advice and consent of the county board,  
15 may appoint a library committee of not less than 9 members,  
16 who, by majority vote, may recommend to the county board as to  
17 disbursements of the fund and the operation of the library. In  
18 single county circuits with 2,000,000 or fewer inhabitants,  
19 disbursements from the County Law Library Fund shall be made by  
20 the county treasurer on the order of the chief judge of the  
21 circuit court of the county. In those single county circuits,  
22 the number of personnel necessary to operate and maintain the  
23 county law library shall be set by and those personnel shall be  
24 appointed by the chief judge. The county law library personnel  
25 shall serve at the pleasure of the appointing authority. The  
26 salaries of those personnel shall be fixed by the county board

1 of the county. Orders shall be pre-audited, funds shall be  
2 audited by the county auditor, and a report of the orders and  
3 funds shall be rendered to the county board and to the judges.

4 Fees shall not be charged in any criminal or quasi-criminal  
5 case, in any matter coming to the clerk on change of venue, or  
6 in any proceeding to review the decision of any administrative  
7 officer, agency, or body.

8 (Source: P.A. 96-227, eff. 8-11-09.)

9 Section 40. The Clerks of Courts Act is amended by adding  
10 Section 27.3g as follows:

11 (705 ILCS 105/27.3g new)

12 Sec. 27.3g. Pilot program; Access to Justice Act.

13 (a) If the Supreme Court develops a pilot program to  
14 provide court-based legal assistance in accordance with  
15 Section 10 of the Access to Justice Act, all clerks of the  
16 circuit court shall charge and collect at the time of filing  
17 the first pleading, paper, or other appearance filed by each  
18 party in all civil cases, in addition to any other fees, a fee  
19 of \$10, but no additional fee shall be required if more than  
20 one party is represented in a single pleading, paper, or other  
21 appearance. Fees received by the clerk of the circuit court  
22 under this Section shall be remitted, within one month after  
23 receipt, to the State Treasurer for deposit into the Access to  
24 Justice Fund created under Section 15 of the Access to Justice

1 Act.

2 (b) This Section is repealed 5 years after the effective  
3 date of this amendatory Act of the 98th General Assembly.

4 Section 45. The Code of Civil Procedure is amended by  
5 changing Section 5-105.5 as follows:

6 (735 ILCS 5/5-105.5)

7 Sec. 5-105.5. Representation by civil legal services  
8 provider.

9 (a) As used in this Section:

10 "Civil legal services" means legal services in noncriminal  
11 matters provided without charge to indigent persons who have  
12 been found eligible under financial eligibility guidelines  
13 established by the civil legal services provider.

14 "Civil legal services provider" means a not-for-profit  
15 corporation that (i) employs one or more attorneys who are  
16 licensed to practice law in the State of Illinois and who  
17 directly provide free civil legal services or (ii) is  
18 established for the purpose of providing free civil legal  
19 services by an organized panel of pro bono attorneys.

20 "Court-sponsored pro bono program" means a pro bono program  
21 established by or in partnership with a court in this State for  
22 the purpose of providing free civil legal services by an  
23 organized panel of pro bono attorneys.

24 "Eligible client" means an indigent person who has been



1 found eligible for civil legal services by a civil legal  
2 services provider or court-sponsored pro bono program.

3 "Indigent person" means a person whose income is 125% or  
4 less of the current official federal poverty income guidelines  
5 or who is otherwise eligible to receive civil legal services  
6 under the eligibility guidelines of the civil legal services  
7 provider or court-sponsored pro bono program ~~Legal Services~~  
8 ~~Corporation Act of 1974~~.

9 (b) When a party is represented in a civil action by a  
10 civil legal services provider or attorney in a court-sponsored  
11 pro bono program, all fees and costs relating to filing,  
12 appearing, transcripts on appeal, and service of process shall  
13 be waived without the necessity of a motion for that purpose,  
14 and the case shall be given an index number or other  
15 appropriate filing number, provided that (i) a determination  
16 has been made by the civil legal services provider or attorney  
17 in a court-sponsored pro bono program that the party is an  
18 indigent person and (ii) an attorney's certification that that  
19 determination has been made is filed with the clerk of the  
20 court along with the complaint, the appearance, or any other  
21 paper that would otherwise require payment of a fee.

22 (c) The changes made to this Section by this amendatory Act  
23 of the 98th General Assembly apply to all actions commenced on  
24 or after July 1, 2013. The changes made to this Section by this  
25 amendatory Act of the 98th General Assembly also apply to all  
26 actions pending on or after the effective date of this

1 amendatory Act of the 98th General Assembly, but only with  
2 respect to fees and costs that become due in those actions  
3 after July 1, 2013.

4 (Source: P.A. 88-41.)

5 Section 99. Effective date. This Act takes effect upon  
6 becoming law.