



Rep. Emily McAsey

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1 AMENDMENT TO HOUSE BILL 3111

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3111 by replacing  
3 everything after the enacting clause with the following:

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

1 levels of legal assistance appropriate for their individual  
2 circumstances.

3 (c) An increasing number of active duty service members and  
4 veterans in this State have a need for legal information and  
5 assistance in a variety of matters that are often critical to  
6 their safety and independence, yet they are often unable to  
7 access that assistance.

8 Section 10. Pilot programs.

9 (a) The General Assembly encourages the Supreme Court to  
10 develop: (i) a pilot program to create a statewide military  
11 personnel and veterans' legal assistance hotline and  
12 coordinated network of legal support resources; and (ii) a  
13 pilot program to provide court-based legal assistance within a  
14 circuit court in each appellate district of this State.

15 (b) The General Assembly recommends that the rules  
16 developing the pilot programs:

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

20 (2) gather information on the outcomes associated with  
21 providing the services described in paragraph (1) of this  
22 subsection; and

23 (3) guard against the involuntary waiver of rights or  
24 disposition by default.

1           Section 15. Access to Justice Fund. The Access to Justice  
2 Fund is created as a special fund in the State treasury. The  
3 Fund shall consist of fees collected under Section 27.3g of the  
4 Clerks of Courts Act. There is hereby appropriated, on a  
5 continuing annual basis in each fiscal year, from the Access to  
6 Justice Fund, the amount, if any, of funds received into the  
7 Access to Justice Fund to the Supreme Court for the  
8 administration of the pilot programs created under this Act.

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

23           Section 25. Statutory Court Fee Task Force.

24           (a) There is hereby created the Statutory Court Fee Task

1 Force. The purpose of the Task Force is to conduct a thorough  
2 review of the various statutory fees imposed or assessed on  
3 criminal defendants and civil litigants.

4 (b) The Task Force shall consist of 15 members, appointed  
5 as follows: one each by the Speaker of the House of  
6 Representatives, the Minority Leader of the House of  
7 Representatives, the President of the Senate, and the Minority  
8 Leader of the Senate; 2 by the association representing circuit  
9 court clerks; 2 by the Governor, and 7 by the Supreme Court.

10 (c) At the direction of the Supreme Court, the  
11 Administrative Office of the Illinois Courts shall provide  
12 administrative support to the Task Force.

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

16 Section 30. The State Finance Act is amended by adding  
17 Section 5.826 as follows:

18 (30 ILCS 105/5.826 new)

19 Sec. 5.826. The Access to Justice Fund.

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

22 (55 ILCS 5/5-39001) (from Ch. 34, par. 5-39001)

1           Sec. 5-39001. Establishment and use; fee. The county board  
2 of any county may establish and maintain a county law library,  
3 to be located in any county building or privately or publicly  
4 owned building at the county seat of government. The term  
5 "county building" includes premises leased by the county from a  
6 public building commission created under the Public Building  
7 Commission Act. After August 2, 1976, the county board of any  
8 county may establish and maintain a county law library at the  
9 county seat of government and, in addition, branch law  
10 libraries in other locations within that county as the county  
11 board deems necessary.

12           The facilities of those libraries shall be freely available  
13 to all licensed Illinois attorneys, judges, other public  
14 officers of the county, and all members of the public, whenever  
15 the court house is open, and may include self-help centers and  
16 other legal assistance programs for the public as part of the  
17 services it provides on-site and online.

18           The expense of establishing and maintaining those  
19 libraries shall be borne by the county. To defray that expense,  
20 including the expense of any attendant self-help centers and  
21 legal assistance programs, in any county having established a  
22 county law library or libraries, the clerk of all trial courts  
23 located at the county seat of government shall charge and  
24 collect a county law library fee of \$2, and the county board  
25 may authorize a county law library fee of not to exceed (i) \$18  
26 in 2009, (ii) \$19 in 2010, and (iii) \$21 in 2011 and

1 thereafter, to be charged and collected by the clerks of all  
2 trial courts located in the county. The fee shall be paid at  
3 the time of filing the first pleading, paper, or other  
4 appearance filed by each party in all civil cases, but no  
5 additional fee shall be required if more than one party is  
6 represented in a single pleading, paper, or other appearance.

7 Each clerk shall commence those charges and collections  
8 upon receipt of written notice from the chairman of the county  
9 board that the board has acted under this Division to establish  
10 and maintain a law library.

11 The fees shall be in addition to all other fees and charges  
12 of the clerks, assessable as costs, remitted by the clerks  
13 monthly to the county treasurer, and retained by the county  
14 treasurer in a special fund designated as the County Law  
15 Library Fund. Except as otherwise provided in this paragraph,  
16 disbursements from the fund shall be by the county treasurer,  
17 on order of a majority of the resident circuit judges of the  
18 circuit court of the county. In any county with more than  
19 2,000,000 inhabitants, the county board shall order  
20 disbursements from the fund and the presiding officer of the  
21 county board, with the advice and consent of the county board,  
22 may appoint a library committee of not less than 9 members,  
23 who, by majority vote, may recommend to the county board as to  
24 disbursements of the fund and the operation of the library. In  
25 single county circuits with 2,000,000 or fewer inhabitants,  
26 disbursements from the County Law Library Fund shall be made by

1 the county treasurer on the order of the chief judge of the  
2 circuit court of the county. In those single county circuits,  
3 the number of personnel necessary to operate and maintain the  
4 county law library shall be set by and those personnel shall be  
5 appointed by the chief judge. The county law library personnel  
6 shall serve at the pleasure of the appointing authority. The  
7 salaries of those personnel shall be fixed by the county board  
8 of the county. Orders shall be pre-audited, funds shall be  
9 audited by the county auditor, and a report of the orders and  
10 funds shall be rendered to the county board and to the judges.

11 Fees shall not be charged in any criminal or quasi-criminal  
12 case, in any matter coming to the clerk on change of venue, or  
13 in any proceeding to review the decision of any administrative  
14 officer, agency, or body.

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

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

18 (705 ILCS 105/27.3g new)

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

20 (a) If the Supreme Court develops a pilot program to  
21 provide court-based legal assistance in accordance with  
22 Section 10 of the Access to Justice Act, all clerks of the  
23 circuit court shall charge and collect at the time of filing  
24 the first pleading, paper, or other appearance filed by each

1 party in all civil cases, in addition to any other fees, a fee  
2 of \$10, but no additional fee shall be required if more than  
3 one party is represented in a single pleading, paper, or other  
4 appearance. Fees received by the clerk of the circuit court  
5 under this Section shall be remitted, within one month after  
6 receipt, to the State Treasurer for deposit into the Access to  
7 Justice Fund created under Section 15 of the Access to Justice  
8 Act.

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

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

13 (735 ILCS 5/5-105.5)

14 Sec. 5-105.5. Representation by civil legal services  
15 provider.

16 (a) As used in this Section:

17 "Civil legal services" means legal services in noncriminal  
18 matters provided without charge to indigent persons who have  
19 been found eligible under financial eligibility guidelines  
20 established by the civil legal services provider.

21 "Civil legal services provider" means a not-for-profit  
22 corporation that (i) employs one or more attorneys who are  
23 licensed to practice law in the State of Illinois and who  
24 directly provide free civil legal services or (ii) is



1 established for the purpose of providing free civil legal  
2 services by an organized panel of pro bono attorneys.

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

7 "Eligible client" means an indigent person who has been  
8 found eligible for civil legal services by a civil legal  
9 services provider or court-sponsored pro bono program.

10 "Indigent person" means a person whose income is 125% or  
11 less of the current official federal poverty income guidelines  
12 or who is otherwise eligible to receive civil legal services  
13 under the eligibility guidelines of the civil legal services  
14 provider or court-sponsored pro bono program ~~Legal Services~~  
15 ~~Corporation Act of 1974.~~

16 (b) When a party is represented in a civil action by a  
17 civil legal services provider or attorney in a court-sponsored  
18 pro bono program, all fees and costs relating to filing,  
19 appearing, transcripts on appeal, and service of process shall  
20 be waived without the necessity of a motion for that purpose,  
21 and the case shall be given an index number or other  
22 appropriate filing number, provided that (i) a determination  
23 has been made by the civil legal services provider or attorney  
24 in a court-sponsored pro bono program that the party is an  
25 indigent person and (ii) an attorney's certification that that  
26 determination has been made is filed with the clerk of the

1 court along with the complaint, the appearance, or any other  
2 paper that would otherwise require payment of a fee.

3 (c) The changes made to this Section by this amendatory Act  
4 of the 98th General Assembly apply to all actions commenced on  
5 or after July 1, 2013. The changes made to this Section by this  
6 amendatory Act of the 98th General Assembly also apply to all  
7 actions pending on or after the effective date of this  
8 amendatory Act of the 98th General Assembly, but only with  
9 respect to fees and costs that become due in those actions  
10 after July 1, 2013.

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

12 Section 99. Effective date. This Act takes effect upon  
13 becoming law.".