



Rep. Emily McAsey

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LRB099 04960 KTG 34603 a

1 AMENDMENT TO HOUSE BILL 3933

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3933, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Access to Justice Act is amended by  
6 changing Sections 5, 10, 15, and 20 and by adding Section 7 as  
7 follows:

8 (705 ILCS 95/5)

9 Sec. 5. Findings.

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

14 (b) Increasing numbers of people throughout this State,  
15 including an increasing number of active duty service members  
16 and veterans, are coming into the courts without legal

1 representation for cases involving important legal matters  
2 impacting the basics of life such as health, safety, and  
3 shelter. In order for the courts to provide fair and efficient  
4 administration of justice in these cases, it is critical that  
5 people, and active duty service members and veterans in  
6 particular, have better access to varying levels of legal  
7 assistance appropriate for their individual circumstances,  
8 which will reduce the number of cases the courts must manage  
9 and reduce unnecessary backlogs and delays in the court system  
10 for the benefit of all litigants.

11 (c) An increasing number of active duty service members and  
12 veterans in this State have a need for legal information and  
13 assistance in a variety of matters that are often critical to  
14 their safety and independence, yet they are often unable to  
15 access that assistance. Providing access to legal advice and a  
16 referral system of attorneys for veterans and active duty  
17 service members, who often have underlying issues as a result  
18 of their military service, increases the efficiency of the  
19 court system and advances access to justice for everyone in  
20 this State.

21 (Source: P.A. 98-351, eff. 8-15-13.)

22 (705 ILCS 95/7 new)

23 Sec. 7. Definitions. As used in this Act:

24 (a) "Foundation" means the Illinois Equal Justice  
25 Foundation, a not-for-profit corporation created by the

1 Illinois State Bar Association and the Chicago Bar Association  
2 and recognized under the Illinois Equal Justice Act.

3 (b) "Illinois Access to Civil Justice Council" or "Council"  
4 means a special advisory body created by the Foundation. The  
5 Council consists of 7 members, appointed as follows: one by the  
6 Lawyers Trust Fund of Illinois, one by the Chicago Bar  
7 Foundation, one by the Illinois Bar Foundation, one by the  
8 Illinois Department of Veterans' Affairs, one by the Illinois  
9 Attorney General, and 2 by the Foundation or any successor  
10 entities or agencies as designated by the Council.

11 (705 ILCS 95/10)

12 Sec. 10. Pilot programs.

13 (a) The Illinois Access to Civil Justice Council shall  
14 ~~General Assembly encourages the Supreme Court to develop: (i) a~~  
15 pilot program to create a statewide military personnel and  
16 veterans' legal assistance hotline and coordinated network of  
17 legal support resources; ~~and (ii) a pilot program to provide~~  
18 ~~court based legal assistance within a circuit court in each~~  
19 ~~appellate district of this State.~~

20 (a-5) The Supreme Court Access to Justice Commission may  
21 develop a pilot program to provide court-based legal assistance  
22 services.

23 (b) The General Assembly recommends that ~~the rules~~  
24 ~~developing~~ the pilot programs:

25 (1) provide intake, screening, and varying levels of

1 legal assistance to ensure that the parties served by these  
2 programs have meaningful access to justice;

3 (2) gather information on the outcomes associated with  
4 providing the services described in paragraph (1) of this  
5 subsection; and

6 (3) guard against the involuntary waiver of rights or  
7 disposition by default.

8 (Source: P.A. 98-351, eff. 8-15-13.)

9 (705 ILCS 95/15)

10 Sec. 15. Access to Justice Fund.

11 (a) The Access to Justice Fund is created as a special fund  
12 in the State treasury. The Fund shall consist of fees collected  
13 under Section 27.3g of the Clerks of Courts Act. ~~Moneys Subject~~  
14 ~~to appropriation, moneys~~ in the Access to Justice Fund shall be  
15 appropriated to the Attorney General for disbursements to the  
16 Foundation. The Foundation shall use the moneys to make grants  
17 and distributions used by the Supreme Court for the  
18 administration of the pilot programs created under this Act.  
19 Grants or distributions made under this Act to the Foundation  
20 are subject to the requirements of the Illinois Grant Funds  
21 Recovery Act.

22 (b) In accordance with the requirements of the Illinois  
23 Equal Justice Act, the Foundation may make grants, enter into  
24 contracts, and take other actions recommended by the Council to  
25 effectuate the pilot programs and comply with the other

1 requirements of this Act.

2 (c) The governing board of the Foundation must prepare and  
3 submit an annual report to the Governor, the President of the  
4 Senate, the Minority Leader of the Senate, the Speaker of the  
5 House of Representatives, the Minority Leader of the House of  
6 Representatives, and the Justices of the Illinois Supreme  
7 Court. The report must include: (i) a statement of the total  
8 receipts and a breakdown by source during each of the previous  
9 2 calendar years; (ii) a list of the names and addresses of the  
10 recipients that are currently receiving grants or  
11 distributions and that received grants or distributions in the  
12 previous year and the amounts committed to recipients for the  
13 current year and paid in the previous year; (iii) a breakdown  
14 of the amounts of grants or distributions paid during the  
15 previous year to recipients and the amounts committed to each  
16 recipient for the current year; (iv) a breakdown of the  
17 Foundation's costs in administering the Fund; (v) a statement  
18 of the Fund balance at the start and at the close of the  
19 previous year and the interest earned during the previous year;  
20 and (vi) any notices the Foundation issued denying applications  
21 for grants or distributions under this Act. The report, in its  
22 entirety, is a public record, and the Foundation and the  
23 Governor shall make the report available for inspection upon  
24 request.

25 (d) The Foundation may annually retain a portion of the  
26 disbursements it receives under this Section to reimburse the

1 Foundation for the actual cost of administering the Council and  
2 for making the grants and distributions pursuant to this Act  
3 during that year.

4 (e) No moneys distributed by the Foundation from the Access  
5 to Justice Fund may be directly or indirectly used for lobbying  
6 activities, as defined in Section 2 of the Lobbyist  
7 Registration Act or as defined in any ordinance or resolution  
8 of a municipality, county, or other unit of local government in  
9 Illinois.

10 (f) The Foundation may make, enter into, and execute  
11 contracts, agreements, leases, and other instruments with any  
12 person, including without limitation any federal, State, or  
13 local governmental agency, and may take other actions that may  
14 be necessary or convenient to accomplish any purpose authorized  
15 by this Act.

16 (g) The Foundation has the authority to receive and accept  
17 any and all grants, loans, subsidies, matching funds,  
18 reimbursements, federal grant moneys, fees for services, and  
19 other things of value from the federal or State government or  
20 any agency of any other state or from any institution, person,  
21 firm, or corporation, public or private, to be used to carry  
22 out the purposes of this Act.

23 (Source: P.A. 98-351, eff. 8-15-13.)

24 (705 ILCS 95/20)

25 Sec. 20. Evaluation. The Council ~~Supreme Court~~ shall study

1 the effectiveness of the pilot programs implemented under this  
2 Act and submit a report to the Supreme Court, Governor, and  
3 General Assembly by June 1, 2021 ~~2017~~. The report shall include  
4 the number of people served by the veteran and active military  
5 legal hotline and pro bono program and data on how the pilot  
6 programs expanded access to justice and the impact on  
7 government programs and community resources ~~in each pilot~~  
8 ~~program and data on the impact of varying levels of legal~~  
9 ~~assistance on access to justice, the effect on fair and~~  
10 ~~efficient court administration, and the impact on government~~  
11 ~~programs and community resources~~. This report shall describe  
12 the benefits of providing legal assistance to those who were  
13 previously unrepresented, both for the clients, the military  
14 and veteran service organizations, and civil legal aid  
15 programs, ~~and the courts,~~ and shall describe strategies and  
16 recommendations for maximizing the benefit of that  
17 representation in the future. The report shall include an  
18 assessment of the continuing unmet needs and, if available,  
19 data regarding those unmet needs.

20 (Source: P.A. 98-351, eff. 8-15-13.)

21 Section 10. The Clerks of Courts Act is amended by changing  
22 Section 27.3g as follows:

23 (705 ILCS 105/27.3g)

24 (Section scheduled to be repealed on August 15, 2018)

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

2           (a) On and after September 1, 2015 ~~If the Supreme Court~~  
3 ~~develops a pilot program to provide court-based legal~~  
4 ~~assistance in accordance with Section 10 of the Access to~~  
5 ~~Justice Act~~, all clerks of the circuit court shall charge and  
6 collect at the time of filing the first pleading, paper, or  
7 other appearance filed by each party in all civil cases, in  
8 addition to any other fees, a fee of \$5 ~~\$10~~, but no additional  
9 fee shall be required if more than one party is represented in  
10 a single pleading, paper, or other appearance. Fees received by  
11 the clerk of the circuit court under this Section shall be  
12 remitted by the clerk of the circuit court to the State  
13 Treasurer, within one month after receipt, ~~to the Supreme Court~~  
14 for deposit into the Access to Justice Fund created under  
15 Section 15 of the Access to Justice Act.

16           (b) This Section is repealed on September 1, 2020 ~~5 years~~  
17 ~~after the effective date of this amendatory Act of the 98th~~  
18 ~~General Assembly~~.

19           (Source: P.A. 98-351, eff. 8-15-13.)

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