

1 AMENDMENT TO HOUSE BILL 4976

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4976 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Counties Code is amended by changing the  
5 heading of Division 4-1 and Sections 4-5001 and 5-1103 and by  
6 adding Section 4-1002 as follows:

7 (55 ILCS 5/Art. 4, Div. 4-1 heading)

8 ARTICLE 4. FEES AND SALARIES

9 Division 4-1. Classification of Counties; Fees Generally

10 (55 ILCS 5/4-1002 new)

11 Sec. 4-1002. Notwithstanding any other statutory  
12 provision, a county board may by ordinance increase any  
13 statutorily authorized fees and collect those increased fees  
14 from all persons and entities other than officers, agencies,  
15 departments, and other instrumentalities of the State if the  
16 increase is justified by an acceptable cost study showing  
17 that the current fee is not sufficient to cover the cost of  
18 providing the service. A statement of the costs of providing  
19 each service, program, and activity must be prepared by the  
20 county board. All supporting documents are public records and  
21 are subject to public examination and audit. All direct and

1 indirect costs, as defined in the United State Office of  
2 Management and Budget Circular A-87, may be included in the  
3 determination of the costs of each service, program, and  
4 activity. Nothing in this Section may be construed to  
5 authorize a county board to modify or amend the fees  
6 established for the Clerk of the Circuit Court as provided in  
7 the Clerks of the Courts Act. After the initial study, the  
8 county board may, not more than once every 5 years, adjust  
9 all authorized fees for inflation based on rates for  
10 inflation provided by the Federal Bureau of Labor Statistics.

11 (55 ILCS 5/4-5001) (from Ch. 34, par. 4-5001)

12 Sec. 4-5001. Sheriffs; counties of first and second  
13 class. The fees of sheriffs in counties of the first and  
14 second class, except when increased by county ordinance under  
15 this Section, shall be as follows:

16 For serving or attempting to serve summons on each  
17 defendant in each county, \$10.

18 For serving or attempting to serve an order or judgment  
19 granting injunctional relief in each county, \$10.

20 For serving or attempting to serve each garnishee in each  
21 county, \$10.

22 For serving or attempting to serve an order for replevin  
23 in each county, \$10.

24 For serving or attempting to serve an order for  
25 attachment on each defendant in each county, \$10.

26 For serving or attempting to serve a warrant of arrest,  
27 \$8, to be paid upon conviction.

28 For returning a defendant from outside the State of  
29 Illinois, upon conviction, the court shall assess, as court  
30 costs, the cost of returning a defendant to the jurisdiction.

31 For taking special bail, \$1 in each county.

32 For serving or attempting to serve a subpoena on each  
33 witness, in each county, \$10.

1 For advertising property for sale, \$5.

2 For returning each process, in each county, \$5.

3 Mileage for each mile of necessary travel to serve any  
4 such process as Stated above, calculating from the place of  
5 holding court to the place of residence of the defendant, or  
6 witness, 50¢ each way.

7 For summoning each juror, \$3 with 30¢ mileage each way in  
8 all counties.

9 For serving or attempting to serve notice of judgments or  
10 levying to enforce a judgment, \$3 with 50¢ mileage each way  
11 in all counties.

12 For taking possession of and removing property levied on,  
13 the officer shall be allowed to tax the actual cost of such  
14 possession or removal.

15 For feeding each prisoner, such compensation to cover the  
16 actual cost as may be fixed by the county board, but such  
17 compensation shall not be considered a part of the fees of  
18 the office.

19 For attending before a court with prisoner, on an order  
20 for habeas corpus, in each county, \$10 per day.

21 For attending before a court with a prisoner in any  
22 criminal proceeding, in each county, \$10 per day.

23 For each mile of necessary travel in taking such prisoner  
24 before the court as Stated above, 15¢ a mile each way.

25 For serving or attempting to serve an order or judgment  
26 for the possession of real estate in an action of ejectment  
27 or in any other action, or for restitution in an action of  
28 forcible entry and detainer without aid, \$10 and when aid is  
29 necessary, the sheriff shall be allowed to tax in addition  
30 the actual costs thereof, and for each mile of necessary  
31 travel, 50¢ each way.

32 For executing and acknowledging a deed of sale of real  
33 estate, in counties of first class, \$4; second class, \$4.

34 For preparing, executing and acknowledging a deed on

1 redemption from a court sale of real estate in counties of  
2 first class, \$5; second class, \$5.

3 For making certificates of sale, and making and filing  
4 duplicate, in counties of first class, \$3; in counties of the  
5 second class, \$3.

6 For making certificate of redemption, \$3.

7 For certificate of levy and filing, \$3, and the fee for  
8 recording shall be advanced by the judgment creditor and  
9 charged as costs.

10 For taking all bonds on legal process, civil and  
11 criminal, in counties of first class, \$1; in second class,  
12 \$1.

13 For executing copies in criminal cases, \$4 and mileage  
14 for each mile of necessary travel, 20¢ each way.

15 For executing requisitions from other States, \$5.

16 For committing each prisoner to and discharging each  
17 prisoner from jail, \$10.

18 For conveying each prisoner from the prisoner's own  
19 county to the jail of another county, or from another county  
20 to the jail of the prisoner's county, per mile, for going,  
21 only, 30¢.

22 For conveying persons to the penitentiary, reformatories,  
23 Illinois State Training School for Boys, Illinois State  
24 Training School for Girls and Reception Centers, the  
25 following fees, payable out of the State Treasury. For each  
26 person who is conveyed, 35¢ per mile in going only to the  
27 penitentiary, reformatory, Illinois State Training School for  
28 Boys, Illinois State Training School for Girls and Reception  
29 Centers, from the place of conviction.

30 The fees provided for transporting persons to the  
31 penitentiary, reformatories, Illinois State Training School  
32 for Boys, Illinois State Training School for Girls and  
33 Reception Centers shall be paid for each trip so made.  
34 Mileage as used in this Section means the shortest practical

1 route, between the place from which the person is to be  
2 transported, to the penitentiary, reformatories, Illinois  
3 State Training School for Boys, Illinois State Training  
4 School for Girls and Reception Centers and all fees per mile  
5 shall be computed on such basis.

6 For conveying any person to or from any of the charitable  
7 institutions of the State, when properly committed by  
8 competent authority, when one person is conveyed, 35¢ per  
9 mile; when two persons are conveyed at the same time, 35¢ per  
10 mile for the first person and 20¢ per mile for the second  
11 person; and 10¢ per mile for each additional person.

12 For conveying a person from the penitentiary to the  
13 county jail when required by law, 35¢ per mile.

14 For attending Supreme Court, \$10 per day.

15 In addition to the above fees there shall be allowed to  
16 the sheriff a fee of \$600 for the sale of real estate which  
17 is made by virtue of any judgment of a court, except that in  
18 the case of a sale of unimproved real estate which sells for  
19 \$10,000 or less, the fee shall be \$150. In addition to this  
20 fee and all other fees provided by this Section, there shall  
21 be allowed to the sheriff a fee in accordance with the  
22 following schedule for the sale of personal estate which is  
23 made by virtue of any judgment of a court:

24 For judgments up to \$1,000, \$75;

25 For judgments from \$1,001 to \$15,000, \$150;

26 For judgments over \$15,000, \$300.

27 The foregoing fees allowed by this Section are the  
28 maximum fees that may be collected from any officer, agency,  
29 department or other instrumentality of the State. The county  
30 board may, however, by ordinance, increase the fees allowed  
31 by this Section and collect those increased fees from all  
32 persons and entities other than officers, agencies,  
33 departments and other instrumentalities of the State if the  
34 increase is justified by an acceptable cost study showing

1 that the fees allowed by this Section are not sufficient to  
2 cover the costs of providing the service. A statement of the  
3 costs of providing each service, program and activity shall  
4 be prepared by the county board. All supporting documents  
5 shall be public records and subject to public examination and  
6 audit. All direct and indirect costs, as defined in the  
7 United States Office of Management and Budget Circular A-87,  
8 may be included in the determination of the costs of each  
9 service, program and activity.

10 In all cases where the judgment is settled by the  
11 parties, replevied, stopped by injunction or paid, or where  
12 the property levied upon is not actually sold, the sheriff  
13 shall be allowed his fee for levying and mileage, together  
14 with half the fee for all money collected by him which he  
15 would be entitled to if the same was made by sale to enforce  
16 the judgment. In no case shall the fee exceed the amount of  
17 money arising from the sale.

18 The fee requirements of this Section do not apply to  
19 police departments or other law enforcement agencies. For  
20 the purposes of this Section, "law enforcement agency" means  
21 an agency of the State or unit of local government which is  
22 vested by law or ordinance with the duty to maintain public  
23 order and to enforce criminal laws.

24 (Source: P.A. 91-94, eff. 1-1-00.)

25 (55 ILCS 5/5-1103) (from Ch. 34, par. 5-1103)

26 Sec. 5-1103. Court services fee. A county board may  
27 enact by ordinance or resolution a court services fee  
28 dedicated to defraying court security expenses incurred by  
29 the sheriff in providing court services or for any other  
30 court services deemed necessary by the sheriff to provide for  
31 court security, including without limitation court services  
32 provided pursuant to Section 3-6023, as now or hereafter  
33 amended. Such fee shall be paid in civil cases by each party

1 at the time of filing the first pleading, paper or other  
2 appearance; provided that no additional fee shall be required  
3 if more than one party is represented in a single pleading,  
4 paper or other appearance. In criminal, local ordinance,  
5 county ordinance, traffic and conservation cases, such fee  
6 shall be assessed against the defendant upon a plea of  
7 guilty, stipulation of facts or findings of guilty, resulting  
8 in a judgment of conviction, or order of supervision, or  
9 sentence of probation without entry of judgment pursuant to  
10 Section 10 of the Cannabis Control Act, Section 410 of the  
11 Illinois Controlled Substances Act, Section 12-4.3 of the  
12 Criminal Code of 1961, Section 10-102 of the Illinois  
13 Alcoholism and Other Drug Dependency Act, Section 40-10 of  
14 the Alcoholism and Other Drug Abuse and Dependency Act, or  
15 Section 10 of the Steroid Control Act. In setting such fee,  
16 the county board may impose, with the concurrence of the  
17 Chief Judge of the judicial circuit in which the county is  
18 located by administrative order entered by the Chief Judge, a  
19 rate of \$25 differential~~--rates--for--the-various-types-or~~  
20 ~~categories-of-criminal-and-civil-cases, but the maximum rate~~  
21 ~~shall not exceed \$15.~~ No fee shall be imposed or collected,  
22 however, in traffic, conservation, and ordinance cases in  
23 which fines are paid without a court appearance. The fees  
24 shall be collected in the manner in which all other court  
25 fees or costs are collected and shall be deposited into the  
26 county general fund for payment solely of costs incurred by  
27 the sheriff in providing court security or for any other  
28 court services deemed necessary by the sheriff to provide for  
29 court security.

30 (Source: P.A. 87-1141; 88-670, eff. 12-2-94.)

31 Section 99. Effective date. This Act takes effect on  
32 December 1, 2002."