

1 AN ACT concerning fees.

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

4 Section 5. The Counties Code is amended by changing  
5 Section 4-2002.1 as follows:

6 (55 ILCS 5/4-2002.1) (from Ch. 34, par. 4-2002.1)

7 Sec. 4-2002.1. State's attorney fees in counties of  
8 3,000,000 or more population. This Section applies only to  
9 counties with 3,000,000 or more inhabitants.

10 (a) State's attorneys are ~~shall--be~~ entitled to the  
11 following fees:

12 For each conviction in prosecutions on indictments for  
13 first degree murder, second degree murder, involuntary  
14 manslaughter, criminal sexual assault, aggravated criminal  
15 sexual assault, aggravated criminal sexual abuse, kidnapping,  
16 arson and forgery, \$60. All other cases punishable by  
17 imprisonment in the penitentiary, \$60.

18 For each conviction in other cases tried before judges of  
19 the circuit court, \$30; except that if the conviction is in a  
20 case which may be assigned to an associate judge, whether or  
21 not it is in fact assigned to an associate judge, the fee  
22 shall be \$20.

23 For preliminary examinations for each defendant held to  
24 bail or recognizance, \$20.

25 For each examination of a party bound over to keep the  
26 peace, \$20.

27 For each defendant held to answer in a circuit court on a  
28 charge of paternity, \$20.

29 For each trial on a charge of paternity, \$60.

30 For each case of appeal taken from his county or from the  
31 county to which a change of venue is taken to his county to

1 the Supreme or Appellate Court when prosecuted or defended by  
2 him, \$100.

3 For each day actually employed in the trial of a case,  
4 \$50; in which case the court before whom the case is tried  
5 shall make an order specifying the number of days for which a  
6 per diem shall be allowed.

7 For each day actually employed in the trial of cases of  
8 felony arising in their respective counties and taken by  
9 change of venue to another county, \$50; and the court before  
10 whom the case is tried shall make an order specifying the  
11 number of days for which said per diem shall be allowed; and  
12 it is hereby made the duty of each State's attorney to  
13 prepare and try each case of felony arising when so taken by  
14 change of venue.

15 For assisting in a trial of each case on an indictment  
16 for felony brought by change of venue to their respective  
17 counties, the same fees they would be entitled to if such  
18 indictment had been found for an offense committed in his  
19 county, and it shall be the duty of the State's attorney of  
20 the county to which such cause is taken by change of venue to  
21 assist in the trial thereof.

22 For each case of forfeited recognizance where the  
23 forfeiture is set aside at the instance of the defense, in  
24 addition to the ordinary costs, \$20 for each defendant.

25 For each proceeding in a circuit court to inquire into  
26 the alleged mental illness of any person, \$20 for each  
27 defendant.

28 For each proceeding in a circuit court to inquire into  
29 the alleged dependency or delinquency of any child, \$20.

30 For each day actually employed in the hearing of a case  
31 of habeas corpus in which the people are interested, \$50.

32 All the foregoing fees shall be taxed as costs to be  
33 collected from the defendant, if possible, upon conviction.  
34 But in cases of inquiry into the mental illness of any person

1 alleged to be mentally ill, in cases on a charge of paternity  
2 and in cases of appeal in the Supreme or Appellate Court,  
3 where judgment is in favor of the accused, the fees allowed  
4 the State's attorney therein shall be retained out of the  
5 fines and forfeitures collected by them in other cases.

6 Ten per cent of all moneys except revenue, collected by  
7 them and paid over to the authorities entitled thereto, which  
8 per cent together with the fees provided for herein that are  
9 not collected from the parties tried or examined, shall be  
10 paid out of any fines and forfeited recognizances collected  
11 by them, provided however, that in proceedings to foreclose  
12 the lien of delinquent real estate taxes State's attorneys  
13 shall receive a fee, to be credited to the earnings of their  
14 office, of 10% of the total amount realized from the sale of  
15 real estate sold in such proceedings. Such fees shall be paid  
16 from the total amount realized from the sale of the real  
17 estate sold in such proceedings.

18 State's attorneys shall have a lien for their fees on all  
19 judgments for fines or forfeitures procured by them and on  
20 moneys except revenue received by them until such fees and  
21 earnings are fully paid.

22 No fees shall be charged on more than 10 counts in any  
23 one indictment or information on trial and conviction; nor on  
24 more than 10 counts against any one defendant on pleas of  
25 guilty.

26 The Circuit Court may direct that of all monies received,  
27 by restitution or otherwise, which monies are ordered paid to  
28 the Department of Public Aid or the Department of Human  
29 Services (acting as successor to the Department of Public Aid  
30 under the Department of Human Services Act) as a direct  
31 result of the efforts of the State's attorney and which  
32 payments arise from Civil or Criminal prosecutions involving  
33 the Illinois Public Aid Code or the Criminal Code, the  
34 following amounts shall be paid quarterly by the Department

1 of Public Aid or the Department of Human Services to the  
2 General Corporate Fund of the County in which the prosecution  
3 or cause of action took place:

4 (1) where the monies result from child support  
5 obligations, not less than 25% of the federal share of  
6 the monies received,

7 (2) where the monies result from other than child  
8 support obligations, not less than 25% of the State's  
9 share of the monies received.

10 (b) A municipality shall be entitled to a \$10  
11 prosecution fee for each conviction for a violation of the  
12 Illinois Vehicle Code prosecuted by the municipal attorney  
13 pursuant to Section 16-102 of that Code which is tried before  
14 a circuit or associate judge and shall be entitled to a \$10  
15 prosecution fee for each conviction for a violation of a  
16 municipal vehicle ordinance prosecuted by the municipal  
17 attorney which is tried before a circuit or associate judge.  
18 Such fee shall be taxed as costs to be collected from the  
19 defendant, if possible, upon conviction. A municipality  
20 shall have a lien for such prosecution fees on all judgments  
21 or fines procured by the municipal attorney from prosecutions  
22 for violations of the Illinois Vehicle Code and municipal  
23 vehicle ordinances.

24 For the purposes of this subsection (b), "municipal  
25 vehicle ordinance" means any ordinance enacted pursuant to  
26 Sections 11-40-1, 11-40-2, 11-40-2a and 11-40-3 of the  
27 Illinois Municipal Code or any ordinance enacted by a  
28 municipality which is similar to a provision of Chapter 11 of  
29 the Illinois Vehicle Code.

30 (Source: P.A. 89-507, eff. 7-1-97.)