

1 AN ACT concerning State's attorney 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 Sections 4-2002 and 4-2002.1 as follows:

6 (55 ILCS 5/4-2002) (from Ch. 34, par. 4-2002)

7 Sec. 4-2002. State's attorney fees in counties under
8 3,000,000 population. This Section applies only to counties
9 with fewer than 800,000 ~~3,000,000~~ inhabitants.

10 (a) State's attorneys shall be entitled to the following
11 fees, however, the fee requirement of this subsection does
12 not apply to county boards:

13 For each conviction in prosecutions on indictments for
14 first degree murder, second degree murder, involuntary
15 manslaughter, criminal sexual assault, aggravated criminal
16 sexual assault, aggravated criminal sexual abuse, kidnapping,
17 arson and forgery, \$30. All other cases punishable by
18 imprisonment in the penitentiary, \$30.

19 For each conviction in other cases tried before judges of
20 the circuit court, \$15; except that if the conviction is in a
21 case which may be assigned to an associate judge, whether or
22 not it is in fact assigned to an associate judge, the fee
23 shall be \$10.

24 For preliminary examinations for each defendant held to
25 bail or recognizance, \$10.

26 For each examination of a party bound over to keep the
27 peace, \$10.

28 For each defendant held to answer in a circuit court on a
29 charge of paternity, \$10.

30 For each trial on a charge of paternity, \$30.

31 For each case of appeal taken from his county or from the

1 county to which a change of venue is taken to his county to
2 the Supreme or Appellate Court when prosecuted or defended by
3 him, \$50.

4 For each day actually employed in the trial of a case,
5 \$25; in which case the court before whom the case is tried
6 shall make an order specifying the number of days for which a
7 per diem shall be allowed.

8 For each day actually employed in the trial of cases of
9 felony arising in their respective counties and taken by
10 change of venue to another county, \$25; and the court before
11 whom the case is tried shall make an order specifying the
12 number of days for which said per diem shall be allowed; and
13 it is hereby made the duty of each State's attorney to
14 prepare and try each case of felony arising when so taken by
15 change of venue.

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

23 For each case of forfeited recognizance where the
24 forfeiture is set aside at the instance of the defense, in
25 addition to the ordinary costs, \$10 for each defendant.

26 For each proceeding in a circuit court to inquire into
27 the alleged mental illness of any person, \$10 for each
28 defendant.

29 For each proceeding in a circuit court to inquire into
30 the alleged dependency or delinquency of any child, \$10.

31 For each day actually employed in the hearing of a case
32 of habeas corpus in which the people are interested, \$25.

33 All the foregoing fees shall be taxed as costs to be
34 collected from the defendant, if possible, upon conviction.

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

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

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

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

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

1 following amounts shall be paid quarterly by the Department
2 of Public Aid or the Department of Human Services to the
3 General Corporate Fund of the County in which the prosecution
4 or cause of action took place:

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

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

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

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

32 (Source: P.A. 88-572, eff. 8-11-94; 89-507, eff. 7-1-97.)

33 (55 ILCS 5/4-2002.1) (from Ch. 34, par. 4-2002.1)

1 Sec. 4-2002.1. State's attorney fees in counties of
2 800,000 ~~3,7000,7000~~ or more population. This Section applies
3 only to counties with 800,000 ~~3,7000,7000~~ or more inhabitants.

4 (a) State's attorneys shall be entitled to the following
5 fees:

6 For each conviction in prosecutions on indictments for
7 first degree murder, second degree murder, involuntary
8 manslaughter, criminal sexual assault, aggravated criminal
9 sexual assault, aggravated criminal sexual abuse, kidnapping,
10 arson and forgery, \$60. All other cases punishable by
11 imprisonment in the penitentiary, \$60.

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

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

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

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

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

24 For each case of appeal taken from his county or from the
25 county to which a change of venue is taken to his county to
26 the Supreme or Appellate Court when prosecuted or defended by
27 him, \$100.

28 For each day actually employed in the trial of a case,
29 \$50; in which case the court before whom the case is tried
30 shall make an order specifying the number of days for which a
31 per diem shall be allowed.

32 For each day actually employed in the trial of cases of
33 felony arising in their respective counties and taken by
34 change of venue to another county, \$50; and the court before

1 whom the case is tried shall make an order specifying the
2 number of days for which said per diem shall be allowed; and
3 it is hereby made the duty of each State's attorney to
4 prepare and try each case of felony arising when so taken by
5 change of venue.

6 For assisting in a trial of each case on an indictment
7 for felony brought by change of venue to their respective
8 counties, the same fees they would be entitled to if such
9 indictment had been found for an offense committed in his
10 county, and it shall be the duty of the State's attorney of
11 the county to which such cause is taken by change of venue to
12 assist in the trial thereof.

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

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17 the alleged mental illness of any person, \$20 for each
18 defendant.

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

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

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24 collected from the defendant, if possible, upon conviction.
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26 alleged to be mentally ill, in cases on a charge of paternity
27 and in cases of appeal in the Supreme or Appellate Court,
28 where judgment is in favor of the accused, the fees allowed
29 the State's attorney therein shall be retained out of the
30 fines and forfeitures collected by them in other cases.

31 Ten per cent of all moneys except revenue, collected by
32 them and paid over to the authorities entitled thereto, which
33 per cent together with the fees provided for herein that are
34 not collected from the parties tried or examined, shall be

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2 by them, provided however, that in proceedings to foreclose
3 the lien of delinquent real estate taxes State's attorneys
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5 office, of 10% of the total amount realized from the sale of
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16 guilty.

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19 the Department of Public Aid or the Department of Human
20 Services (acting as successor to the Department of Public Aid
21 under the Department of Human Services Act) as a direct
22 result of the efforts of the State's attorney and which
23 payments arise from Civil or Criminal prosecutions involving
24 the Illinois Public Aid Code or the Criminal Code, the
25 following amounts shall be paid quarterly by the Department
26 of Public Aid or the Department of Human Services to the
27 General Corporate Fund of the County in which the prosecution
28 or cause of action took place:

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5 a circuit or associate judge and shall be entitled to a \$10
6 prosecution fee for each conviction for a violation of a
7 municipal vehicle ordinance prosecuted by the municipal
8 attorney which is tried before a circuit or associate judge.
9 Such fee shall be taxed as costs to be collected from the
10 defendant, if possible, upon conviction. A municipality
11 shall have a lien for such prosecution fees on all judgments
12 or fines procured by the municipal attorney from prosecutions
13 for violations of the Illinois Vehicle Code and municipal
14 vehicle ordinances.

15 For the purposes of this subsection (b), "municipal
16 vehicle ordinance" means any ordinance enacted pursuant to
17 Sections 11-40-1, 11-40-2, 11-40-2a and 11-40-3 of the
18 Illinois Municipal Code or any ordinance enacted by a
19 municipality which is similar to a provision of Chapter 11 of
20 the Illinois Vehicle Code.

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

22 Section 99. Effective date. This Act takes effect on
23 July 1, 2002.