



Board of Commissioners of Cook County

118 North Clark Street
Chicago, IL

Legislation Text

File #: 19-2843, **Version:** 1

PROPOSED ORDINANCE AMENDMENT

ESTABLISHING CIVIL FEES AND CRIMINAL AND TRAFFIC ASSESSMENTS TO BE COLLECTED BY THE CLERK OF THE CIRCUIT COURT COOK COUNTY

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 18 Courts, Article II, Sec. 18-31 and Sect 18-43 of the Cook County Code are hereby amended;

WHEREAS, Chapter 18 Courts, Article II, of the Cook County Code of Ordinances, sets forth the fees authorized by the Cook County Board of Commissioners to be assessed in civil and criminal cases in Cook County; and

WHEREAS, Public Acts 100-987, 100-1161, and 100-994, commonly and collectively known as the Criminal and Traffic Assessment Act, were approved by the 100th General Assembly of the Illinois State Legislature and signed into law by the Governor of the State of Illinois.

WHEREAS, The Criminal and Traffic Assessment Act represents a complete restructuring of the criminal, traffic and civil fees in the circuit courts throughout the State of Illinois; the purpose of the legislation was to consolidate fees into unified schedules throughout the State of Illinois,

WHEREAS, effective July 1, 2019, Section 27.1b of the Clerks of Courts Act, 705 ILCS 105/27.1b, establishes the fees to be assessed in all counties in the State of Illinois by the Clerks of the Circuit Courts for the filing of pleadings and for other services provided by the Clerks of Courts in civil cases; and

WHEREAS, Section 27.1b of the Clerks of Courts Act creates four schedules for civil filing fees, creates three schedules for civil appearance fees, and establishes various other fees that Clerks of the Circuit Courts are authorized to assess in civil cases; and

WHEREAS, Section 27.1b provides that, unless otherwise specified, the amount of the fees shall be determined by ordinance or resolution of the county board and remitted to the county Treasurer to be used for purposes related to the operation of the court system in the county; and **WHEREAS**, effective July 1, 2019, the Criminal and Traffic Assessment Act, 705 ILCS 135 *et seq.*, establishes minimum fines and assessments to be charged in criminal and traffic cases by the Clerks of the Circuit Courts in all counties in the State of Illinois; and

WHEREAS, Sections 15-5 through 15-65 of the Criminal and Traffic Assessment Act establish thirteen (13) assessment schedules for criminal, traffic, conservation and non-traffic offenses, and for each schedule the County's portion of the assessment is specifically listed; and

WHEREAS, Sections 15-5 through 15-65 direct the disbursement of assessment amounts to specific County Funds, if those Funds are in existence; otherwise, pursuant to Sections 15-5 through 15-65 of the Act, the amounts designated for Funds that are not in existence shall be placed in the County's General Fund for purposes related to operation of the court system in the County.

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 18 Courts, Article II, Sec. 18-31 and Sect 18-43 of the Cook County Code are hereby amended as follows:

Sec. 18-31. - Statutory fees and assessments.

Sec. 18-43. - Special ~~r~~Revenue Funds. ~~for the collection and disbursement of fees~~.

BE IT ORDAINED by the County Board for the County of Cook, Illinois, that Chapter 18 Courts, Article II, Sec. 18-32-38 and Sec. 18-40-42 and Sec. 18-44 of the Cook County Code are hereby repealed as follows:

~~Sec. 18-32. — Court security services fee. (Repealed 55 ILCS 5/5-1103)~~

~~Sec. 18-33. — Court automation fee imposed. (Repealed 705 ILCS 105/27.3a)~~

~~Sec. 18-34. — Court Clerk document storage fee. (Repealed 705 ILCS 105/27.3c)~~

~~Sec. 18-35. — Court system. A court system fee as set out in Section 32-1 shall be: (Repealed 55 ILCS 5/5-1101)~~

~~Sec. 18-36. — Fee to finance Mental Health Court. (Repealed 55 ILCS 5/5-1101)~~

~~Sec. 18-37. — Fee to finance Peer or Teen Court. (Repealed 55ILCS 5/5-1101)~~

~~Sec. 18-38. — Drug court fee. (Repealed 55 ILCS 5/5-1101)~~

~~Sec. 18-40. — Peer Court Special Revenue Fund. (Repealed 55 ILCS 5/5-1101)~~

~~Sec. 18-41. — Children's Advocacy Center fee. (Repealed 55 ILCS 5/5-1101)~~

~~Sec. 18-42. — Children's Waiting Room fee. (Repealed 705 ILCS 105/27.7)~~

~~Sec. 18-44. — Circuit Court Clerk electronic citation fee. (Repealed 705 ILCS 105/27.3e)~~

BE IT FURTHER ORDAINED by the County Board for the County of Cook, Illinois, that Chapter 18 Courts, Article II, Sec. 18-45 through Sec. 18-47 of the Cook County Code are hereby enacted.

Sec. 18 - 45. Civil Fees and Criminal Assessments.

Sec. 18 -46. Civil Fees and Assessments.

Sec. 18 - 47. Criminal Assessments.

BE IT ORDAINED by the County Board for the County of Cook, Illinois, that Chapter 32, Fees, Sec. 32-1 of the Cook County Code is hereby amended as follows:

Sec. 32-1. - Fee schedule.

The fees or charges provided for or required by the below-listed sections shall be as shown below:

<i>Code Section</i>	<i>Description</i>	<i>Fees, Rates, Charges (in dollars)</i>
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CHAPTER 18, COURTS

18-32(e)	Court services fees:	25.00
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18-32(c)(1)	Criminal, local ordinance, County ordinance, major traffic, criminal domestic violence and conservation cases	15.00
18-32(c)(2)	Enumerated offenses Other traffic offenses	15.00 5.00
18-33(b)(1)	Court automation fee	25.00
18-34	Document storage fee	25.00
18-35	Court system fee imposed on traffic violations:	
18-35(a)	Court system fee: Violation of 625 ILCS 5/1-100 et seq. or similar County or municipal ordinance	5.00
	Court system fee: First violation of 625 ILCS 5/11-501 (driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof), or a County or municipal provision	30.00
18-35(b)	Court system fee: Second or subsequent violation of 625 ILCS 5/11-501 (driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof), or a County or municipal provision	100.00
18-35(c)	Court system fee, to be paid upon a judgment of guilty or grant of supervision under 730 ILCS 5/5-9-1 (Unified Code of Corrections):	
	For a felony	50.00
	For a Class A misdemeanor	25.00
	For a Class B or Class C misdemeanor	15.00
	For a petty offense	10.00
	For a business offense	10.00
18-41	Children's Advocacy Center fee	30.00
18-42	Children's Waiting Room fee	10.00
18-44	Electronic Citation Fund fee	5.00
18-46	Fees for Filing a Complaint, Petition or	

	other Pleading initiating a Civil Action	
18-46(b)	SCHEDULE 1	366.00
18-46(b)	SCHEDULE 2	357.00
18-46(b)	SCHEDULE 3	265.00
18-46(b)	SCHEDULE 4	0.00
18-46(c)	Fees for Filing an Appearance in a Civil Action	
18-46(c)	SCHEDULE 1	230.00
18-46(c)	SCHEDULE 2	130.00
18-46(c)	SCHEDULE 3	0.00
18-46(e)	Miscellaneous Fees	
18-46(e)	Alias Summons or Citation	6.00
18-46(e)	Jury Services, as described in 705 ILCS 105/27.1(b)	212.50
18-46(e)	Change of Venue, as described in 705 ILCS 105/27.1(b)	40.00
18-46(e)	Petition to Vacate or Modify Any Judgement or Order	
18-46(e)	If filed within 30 days	60.00
18-46(e)	(Local governments or school districts)	50.00
18-46(e)	If filed after 30 days	75.00
18-46(e)	Motion to vacate or amend ex parte judgment or failure to appear notices sent to the Secretary of State	40.00
18-46(e)	Appeals Preparation	
18-46(e)	Record contains 100 pages or less	70.00
18-46(e)	Record contains between 100 and 200 Pages	100.00
18-46(e)	Record contains 200 or more pages	
18-46(e)	Additional fee, per page	0.25
18-46(e)	Garnishments, Wage Deductions and Citation Proceedings	
18-46(e)	If amount in controversy is less than \$1,000	35.00
18-46(e)	(Local governments or school districts)	15.00
18-46(e)	If amount in controversy is between \$1,000 and not more than \$5,000	45.00
18-46(e)	(Local governments or school districts)	30.00
18-46(e)	If amount in controversy is greater than \$5,000	65.00
18-46(e)	(Local governments or school districts)	50.00
18-46(e)	Debt Collection	
18-46(e)	Amount in controversy less than \$1,000	35.00
18-46(e)	Amount in controversy is between \$1,000 and not more than \$5,000	45.00
18-46(e)	Amount in controversy is greater than \$5,000	65.00
18-46(e)	Collections	
18-46(e)	Child Support and Maintenance, annually	36.00
18-46(e)	Certifications made to Secretary of State, pursuant to Section 7-703 of the Illinois Vehicle Code	5.00

18-46(e)	Mailing	
	Mailing, plus the cost of postage	10.00
18-46(e)	Certified copy of a judgement, after the first copy	10.00
18-46(e)	Certification, authentication, and reproduction	
18-46(e)	Certification or authentication for taking acknowledgement of a deed or other instrument in writing with the seal of office	6.00
18-46(e)	Reproduction of any document contained in in the Clerk's files	
18-46(e)	First Page	2.00
18-46(e)	Per page for next 19 pages	0.50
18-46(e)	Per page, additional pages	0.25
18-46(e)	Record Search	
18-46(e)	For each year searched	6.00
18-46(e)	Hard Copy	
18-46(e)	Each page of output, when case records are Maintained on an automated medium	10.00
18-46(e)	(Local governments or school districts)	6.00
18-46(e)	Performing a marriage in court	10.00
18-46(e)	Voluntary Assignment	
18-46(e)	Filing each deed of voluntary assignment	20.00
18-46(e)	Recording a deed of voluntary assignment	
18-46(e)	For each 100 words	0.50
18-46(e)	Expungement petition	
18-46(e)	Filing, per petition	60.00
18-46(e)	Certified copy of an order to expunge arrest records	4.00
18-46(e)	Probate filings	
18-46(e)	Each account filed in the estate of decedent or ward	25.00
18-46(e)	Filing a claim in an estate	
18-46(e)	Claim is greater than \$150 not more than \$500	40.00
18-46(e)	Claim is greater than \$500 not more than \$10,000	55.00
18-46(e)	Claim is greater than \$10,000	75.00
18-46(e)	Claim, petition or supplemental petition for equitable relief as described in 705 ILCS 105/27.1(b)	60.00
18-46(e)	Jury demand	137.50
18-46(e)	Certified copy of letters of office, court orders, or other certifications	
18-46(e)	Per page	2.00
18-46(e)	Exemplification	
18-46(e)	Exemplification plus fee for certification	2.00
18-46(e)	Correction of case number, case title, as described in 705 ILCS105/27.1(b)	25.00
18-46(e)	Check, draft, or bank instrument NSF, account closed, or stopped payment	25.00
18-47	Criminal Assessments	
18-47(A)	SCHEDULE 1	549.00

18-47(A)	SCHEDULE 2	1,709.00
18-47(A)	SCHEDULE 3	2215.00
18-47(A)	SCHEDULE 4	1314.00
18-47(A)	SCHEDULE 5	439.00
18-47(A)	SCHEDULE 6	1381.00
18-47(A)	SCHEDULE 7	905.00
18-47(A)	SCHEDULE 8	1184.00
18-47(A)	SCHEDULE 9	325.00
	Additional assessment	37.00
18-47(A)	SCHEDULE 10	226.00
	Additional assessment	37.00
18-47(A)	SCHEDULE 10.5	260.00
18-47(A)	SCHEDULE 11	195.00
18-47(A)	SCHEDULE 12	164.00
18-47(A)	SCHEDULE 13	100.00

Effective date: This ordinance shall be in effect on July 1, 2019

Full text of this Ordinance Amendment can be found here: <https://tinyurl.com/y5mjmxhs>