



Board of Commissioners of Cook County

118 North Clark Street
Chicago, IL

Legislation Details (With Text)

File #:	15-5775	Version:	1	Name:	CLERK OF THE CIRCUIT COURT, COURT AUTOMATION FEES
Type:	Ordinance Amendment	Status:			Approved
File created:	9/30/2015	In control:			Finance Committee
On agenda:	10/7/2015	Final action:			11/18/2015
Title:	PROPOSED ORDINANCE AMENDMENT				

CLERK OF THE CIRCUIT COURT, COURT AUTOMATION FEES

WHEREAS, Illinois Compiled Statutes, 705 ILCS 105/27.3a, authorizes county boards to require the Clerk of the Circuit Court to collect a court automation fee to be used to establish and maintain an automated record keeping system; and

WHEREAS, on October 3, 1988, the Cook County Board of Commissioners adopted County Ordinance 88-0-45 (Ordinances of Cook County, Chapter 13, section 13-186.1-186.4) establishing the Court Automation Fund and authorizing the Clerk of the Circuit Court to collect an additional court filing fee of \$3.00; and

WHEREAS, Section 1 of P.A. 87-670, effective January 1, 1992, amended Illinois Compiled Statutes, 705 ILCS 105/27.3a, by increasing the fees authorized to be collected to an amount not to exceed \$5.00; and

WHEREAS, on February 3, 1992, the Cook County Board of Commissioners amended County Ordinance 92-0-15 increasing the fee to \$5.00; and

WHEREAS, on August 15, 2005, Public Act 094-0596, approved by the State Legislature and signed by the Governor, amended 705 ILCS 105/27.3a, increasing the maximum court automation fee to \$15.00; and

WHEREAS, on December 27, 2013, Public Act 098-0606, approved by the State Legislature and signed by the Governor, amended 705 ILCS 105/27.3a, increasing the maximum court automation fee to \$15.00 \$25.00; and

WHEREAS, the Clerk of the Circuit Court has represented that the Automation Fees be increased as authorized by the Legislature excluding minor traffic cases satisfied without a court appearance; and

WHEREAS, the Clerk of the Circuit Court has represented that the costs associated with automating the records of the Circuit Court include procuring a new case management system for all case types -- civil, criminal, traffic, domestic violence, juvenile, and child protection; a system which has not been replaced in its entirety since the first system was implemented in 1970; procuring the equipment needed to retrofit all courtrooms to electronic courtrooms in order to utilize the current imaging and electronic filing technology and meet one of the pre-requisites needed to obtain approval from the Administrative Office of the Illinois Courts (AOIC) to make electronic records the official court records, thus eliminating the need for paper files; and to create and equip a customer service computer resource center to allow individuals representing themselves to have access to electronic records, thus providing fair access to justice. These needs justify and necessitate the increased fee; and

WHEREAS, the Board of Commissioners of Cook County desire to increase the fee as requested; and to stay the same upon approval for at least the next 4 years.

BE IT ORDAINED, by the Cook County Board of Commissioners, that Cook County Ordinance, 05-0-

43 adopted September 20, 2005 is hereby amended as Follows:

Sec. 18-33. Court automation fee imposed.

(a) Definitions. Except where the context otherwise requires, the terms, words and/or phrases used in this section shall be ascribed the same meaning as those terms defined or used by 705 ILCS 105/27.3a, et seq. (fees for automated record keeping).

(b)
Imposed.

(1) In accordance with the provisions set forth in 705 ILCS 105/27.3a et seq. (fees for automated record keeping), a court automation fee is hereby imposed in the County. The Clerk of the Circuit Court of the County shall charge and collect a court automation fee as set out in Section 32-1 from each party in all civil cases and by the defendant in any felony, traffic misdemeanor, municipal ordinance, or conservation case upon a judgment of guilty or grant of supervision, provided that the record keeping system which processes the case category for which the fee is charged is automated or has been approved for automation by the County Board.

(2) Such fee shall be paid at the time of filing the first pleading <for all civil cases>, paper or other appearance filed by each party. No additional fee shall be required if more than one party is presented in a single pleading, paper or other appearance.

(c)
Collection and enforcement.

(1) In accordance with the provisions set forth in 705 ILCS 105/27.3a et seq., such court automation fee shall be charged and collected by the Clerk of the Circuit Court. Such fee shall be collected in the manner in which all other fees or costs are collected.

(2) This fee shall be in addition to all other fees and charges of such clerk, and assessable as costs, and shall be remitted monthly by such clerk to the County Treasurer, to be retained in a special fund designated as the court automation fund. The fund shall be audited by the County Auditor, and the Board shall make expenditure from the fund in payment of any cost related to the automation of court records, including hardware, software, research and development costs and personnel related thereto, provided that the expenditure is approved by the Clerk of the Circuit Court and by the Chief Judge of the Circuit Court or designate.

(3) This fee shall not be charged in any matter coming to any such clerk on change of venue, nor in any proceeding to review the decision of any administrative officer, agency or body. The Clerk of the Circuit Court shall not collect the fees herein authorized from any official, department or agency of County Government where the services provided by the Clerk of the Circuit Court are for official purposes. Any County official, department or agency requesting services from the Clerk of the Circuit Court pursuant to this provision shall be required to indicate that the request is made for "Official Purposes". The Clerk of the Circuit Court shall establish and keep a record of the fee exempt services rendered to each County official, department or agency. Such records shall be available on request, to the Chief Financial Officer of the County.

Chapter 32 FEES
Sec. 32-1 Fee schedule

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

CHAPTER 18, COURTS	
18-34 Court automation fee	15.00 25.00

Effective date: This ordinance shall be in effect on December 1, 2015 in accordance with the effective date of Public Act 098-0606.

Sponsors: ROBERT STEELE

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
11/18/2015	1	Board of Commissioners	approve	Pass
11/13/2015	1	Finance Committee	recommend for approval	Pass
10/7/2015	1	Board of Commissioners	refer	Pass

PROPOSED ORDINANCE AMENDMENT

CLERK OF THE CIRCUIT COURT, COURT AUTOMATION FEES

WHEREAS, Illinois Compiled Statutes, 705 ILCS 105/27.3a, authorizes county boards to require the Clerk of the Circuit Court to collect a court automation fee to be used to establish and maintain an automated record keeping system; and

WHEREAS, on October 3, 1988, the Cook County Board of Commissioners adopted County Ordinance 88-0-45 (Ordinances of Cook County, Chapter 13, section 13-186.1-186.4) establishing the Court Automation Fund and authorizing the Clerk of the Circuit Court to collect an additional court filing fee of \$3.00; and

WHEREAS, Section 1 of P.A. 87-670, effective January 1, 1992, amended Illinois Compiled Statutes, 705 ILCS 105/27.3a, by increasing the fees authorized to be collected to an amount not to exceed \$5.00; and

WHEREAS, on February 3, 1992, the Cook County Board of Commissioners amended County Ordinance 92-0-15 increasing the fee to \$5.00; and

WHEREAS, on August 15, 2005, Public Act 094-0596, approved by the State Legislature and signed by the Governor, amended 705 ILCS 105/27.3a, increasing the maximum court automation fee to \$15.00; and

WHEREAS, on December 27, 2013, Public Act 098-0606, approved by the State Legislature and signed by the Governor, amended 705 ILCS 105/27.3a, increasing the maximum court automation fee to ~~\$15.00~~ \$25.00; and

WHEREAS, the Clerk of the Circuit Court has represented that the Automation Fees be increased as authorized by the Legislature excluding minor traffic cases satisfied without a court appearance; and

WHEREAS, the Clerk of the Circuit Court has represented that the costs associated with automating the records of the Circuit Court include procuring a new case management system for all case types --- civil, criminal, traffic, domestic violence, juvenile, and child protection; a system which has not been replaced in its entirety since the first system was implemented in 1970; procuring the equipment needed to retrofit all courtrooms to electronic courtrooms in order to utilize the current imaging and electronic filing technology and meet one of the pre-requisites needed to obtain approval from the Administrative Office of the Illinois Courts (AOIC) to make electronic records the official court records, thus eliminating the need for paper files; and to create and equip a customer service computer resource center to allow individuals representing themselves to have access to electronic records, thus providing fair access to justice. These needs justify and necessitate the increased fee; and

WHEREAS, the Board of Commissioners of Cook County desire to increase the fee as requested; and to stay the same upon approval for at least the next 4 years.

BE IT ORDAINED, by the Cook County Board of Commissioners, that Cook County Ordinance, 05-0-43 adopted September 20, 2005 is hereby amended as Follows:

Sec. 18-33. Court automation fee imposed.

(a) *Definitions.* Except where the context otherwise requires, the terms, words and/or phrases used in this section shall be ascribed the same meaning as those terms defined or used by 705 ILCS 105/27.3a, et seq. (fees for automated record keeping).

(b)
Imposed.

(1) In accordance with the provisions set forth in 705 ILCS 105/27.3a et seq. (fees for automated record keeping), a court automation fee is hereby imposed in the County. The Clerk of the Circuit Court of the County shall charge and collect a court automation fee as set out in Section 32-1 from each party in all civil cases and by the defendant in any felony, traffic misdemeanor, municipal ordinance, or conservation case upon a judgment of guilty or grant of supervision, provided that the record keeping system which processes the case category for which the fee is charged is automated or has been approved for automation by the County Board.

(2) Such fee shall be paid at the time of filing the first pleading <for all civil cases>, paper or other appearance filed by each party. No additional fee shall be required if more than one party is presented in a single pleading, paper or other appearance.

(c)
Collection and enforcement.

(1) In accordance with the provisions set forth in 705 ILCS 105/27.3a et seq., such court automation fee shall be charged and collected by the Clerk of the Circuit Court. Such fee shall be collected in the manner in which all other fees or costs are collected.

(2) This fee shall be in addition to all other fees and charges of such clerk, and assessable as costs, and shall be remitted monthly by such clerk to the County Treasurer, to be retained in a special fund designated as the court automation fund. The fund shall be audited by the County Auditor, and the Board shall make expenditure from the fund in payment of any cost related to the automation of court records, including hardware, software, research and development costs and personnel related thereto, provided that the expenditure is approved by the Clerk of the Circuit Court and by the Chief Judge of the Circuit Court or designate.

(3) This fee shall not be charged in any matter coming to any such clerk on change of venue, nor in any proceeding to review the decision of any administrative officer, agency or body. The Clerk of the Circuit Court shall not collect the fees herein authorized from any official,

department or agency of County Government where the services provided by the Clerk of the Circuit Court are for official purposes. Any County official, department or agency requesting services from the Clerk of the Circuit Court pursuant to this provision shall be required to indicate that the request is made for "Official Purposes". The Clerk of the Circuit Court shall establish and keep a record of the fee exempt services rendered to each County official, department or agency. Such records shall be available on request, to the Chief Financial Officer of the County.

Chapter 32 FEES

Sec. 32-1 Fee schedule

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

CHAPTER 18, COURTS

18-34	Court automation fee	15.00 25.00
-------	----------------------	------------------------

Effective date: This ordinance shall be in effect on December 1, 2015 in accordance with the effective date of Public Act 098-0606.