



Board of Commissioners of Cook County

118 North Clark Street
Chicago, IL

Legislation Text

File #: 15-5780, **Version:** 1

PROPOSED ORDINANCE AMENDMENT

CLERK OF THE CIRCUIT COURT, DOCUMENT STORAGE FEES

WHEREAS, Illinois Compiled Statutes, 705 ILCS 105/27.3ac, authorizes county boards to require the Clerk of the Circuit Court to collect a court document fee to be used to establish a document storage system; and

WHEREAS, on January 7, 1991, the Cook County Board of Commissioners adopted County Ordinance 91-0-7 establishing the Document Storage 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 105/27.3c, 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 92-0-14 increasing the fee to \$5.00; and

WHEREAS, on August 15, 2005, Public Act 094-0595, approved by the State Legislature and signed by the Governor, amended 705 ILCS 105/27.3c, increasing the maximum document storage fee to \$15; and

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

WHEREAS, the Clerk of the Circuit Court has represented that the document storage 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 maintaining the current document management and storage system; and converting old paper files, for cases filed prior to the implementation of the imaging system prior to 2006 for County Division; November 11, 2009 for Chancery Division; 2011 for Probate Division; June 2011 for Law Division; August 2011 for Civil Division; 2012 for Juvenile Justice and Child Protection; April 2012 for Domestic Relations and Child Support; December 2013 for Criminal Division, Criminal Department, and Major Traffic; February 2014 for Criminal and Major Traffic; and, 2016 for the completion of Minor Traffic. The paper records date back to October 1871 and will cost more than \$20 million to convert to electronic records based upon the most recent Needs Analysis performed in 2006. These needs justify and necessitate the increased fee; and

WHEREAS, the Board of Commissioners of Cook County desires 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 05-0-44, adopted

September 20, 2005 is hereby amended as Follows:

Sec. 18-34. Court Clerk document storage fee

- (a) *Generally.* In accordance with provisions set forth in 705 ILCS 105/27.3c, et seq. (document storage system), a document storage fee is hereby imposed in the County. The Clerk of the Circuit Court of the County shall charge and collect a document storage 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 judgement 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. Such fee shall be paid at the time of filing the first pleading, 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.
- (b) *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 105/27.3c et seq. (document storage system).
- (c) *Collection and enforcement.* In accordance with provisions set forth in 705 ILCS 105/27.3c, et seq. (document storage system), such document storage 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. (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 “Document Storage 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. 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 Document storage 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.