



Board of Commissioners of Cook County

118 North Clark Street
Chicago, IL

Legislation Text

File #: 15-3120, **Version:** 1

PROPOSED ORDINANCE AMENDMENT

AMENDMENTS TO THE CLERK OF THE CIRCUIT COURT OF COOK COUNTY'S FEES

BE IT ORDAINED, by the Cook County Board of Commissioners, that Part 1 - General Ordinances, Chapter 18 - Courts, Article II - Fees and Service Charges, Sections 18-32 through 18-38 and 18-41 are hereby amended as follows:

Sec. 18-32. - Court security services fee.

- (a) *Short title.* This section shall be known and may be cited as the Cook County Court Services Fee Ordinance.
- (b) *Title.* The fee herein imposed is in addition to all other fees or taxes imposed by the County, the State or any municipal corporation or political subdivision thereof.
- (c) *Fees imposed.* A court services fee as set out in Section 32-1 ~~shall~~ may be:
 - (1) Paid in civil cases by each party at the time of filing the first pleading, paper or other appearance; provided that no additional fee shall be required if more than one party is represented in a single pleading, paper or other appearance.
 - (2) Assessed by the Circuit Court of the County in criminal, local ordinance, County ordinance, traffic, criminal domestic violence, and conservation cases against the defendant upon entering a plea of guilty, stipulation of facts or findings of guilty, resulting in a judgment of conviction, or order of supervision, or sentence of probation without entry of judgment pursuant to 720 ILCS 550/10 (Cannabis Control Act - penalties for first offenders); 720 ILCS 570/410 (Controlled Substance Act - penalties for first offenders); 720 ILCS 646/70 (Methamphetamine Control and Community Protection Act - penalties for first offenders); 720 ILCS 5/12-4.3 (aggravated battery of a child); 20 ILCS 301/40-10 (Alcoholism and Other Drug Abuse and Dependency Act); or Section 10 of the Steroid Control Act, former Illinois Revised Statutes, ch. 56-1/2, par. 2310 (repealed). No court services fees shall be imposed or collected, however, in traffic, conservation, and ordinance cases in which fines are paid without a court appearance.
- (d) *Collection.* The fees shall be collected in the manner in which all other court fees or costs are collected by the Clerk of the Circuit Court and shall be deposited into the County general fund for payment solely of costs incurred by the Sheriff in providing court security or for any other court services deemed necessary by the Sheriff to provide for court security.

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 may charge and collect~~ assess 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, 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.

Sec. 18-34. - Court Clerk document storage fee.

- (a) *Generally.* In accordance with the 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 may charge assess 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 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. 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 the 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.

Sec. 18-35. - Court system.

A court system fee as set out in Section 32-1 ~~shall~~ may be:

- (a) Assessed against the defendant by the Circuit Court of the County and added to all fines imposed for traffic violation of the Illinois Vehicle Code (625 ILCS 5/1-100 et seq.), other than 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 violations of similar provisions contained in County or municipal ordinances committed in the County, and a fee as set out in Section 32-1 to be added to all fines imposed for 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 violation of a similar provision contained in County or municipal ordinances committed in the County. The proceeds of such fees shall be used to finance the court system of the County.
- (b) Assessed by the Circuit Court of the County against the defendant on a judgment of guilty or a grant of supervision under 730 ILCS 5/5-9-1 (Unified Code of Corrections) for a felony, Class A misdemeanor, Class B misdemeanor, Class C misdemeanor, petty offense, and for a business offense. The proceeds of such fees shall be used to finance the court system of the County.
- (c) Assessed by the Circuit Court of the County against the defendant and added to all fines imposed for the second or subsequent violations 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 violations of similar provisions contained in county or municipal ordinances committed in the county. The proceeds of this fee shall be placed in the County general fund and used to finance education programs related to driving under the influence of alcohol or drugs.
- (d) The fee shall be in addition to all other fines and charges assessed by the Circuit Court of the County and shall be remitted by the clerk of the Circuit Court of the County to the County Treasurer for deposit.

Sec. 18-36. - Fee to finance Mental Health Court.

The ~~Clerk of the Circuit Court of the County is authorized to may collect~~ assess a \$10.00 fee to be paid by the defendant on a judgment of guilty or a grant of supervision under Section 5-9-1 of the Unified Code of Corrections. Such fee is to be collected by the Clerk of the Circuit Court of the County and placed in the county general fund and to be used to finance the County Mental Health Court.

Sec. 18-37. - Fee to finance Peer or Teen Court.

- (a) The Clerk of the Circuit Court of the County ~~shall may collect assess a mandatory~~ fee as set out in Section 32-1 to be assessed as provided in this section. Assessments ~~shall be collected~~ by the Clerk of the Circuit Court of the County pursuant to this section and must be deposited into an account specifically for the operation and administration of a teen court, peer court, peer jury, youth court, or other youth diversion program. The Clerk of the Circuit Court of Cook County shall collect such fees and must remit the fees to the Teen Court, Peer Court, Peer Jury, Youth Court, or other youth diversion program monthly, less five percent, which is to be retained as fee income to the Office of the Clerk of the Circuit Court of the County.
- (b) The fees are to be paid as follows: A fee as set out in Section 32-1 to be paid by the defendant on a judgment of guilty or grant of supervision under Section 5-9-1 of the Unified Code of Corrections for a felony; for a Class A, Class B or Class C misdemeanor; for a petty offense; and for a business offense.

Sec. 18-38. - Drug court fee.

~~Beginning on December 1, 2006, T~~he Clerk of the Circuit Court of Cook County ~~shall may assess collect a mandatory~~ fee of \$5.00 to be assessed as provided in this section. Assessments ~~shall be collected~~ by the Clerk of the Circuit Court of Cook County pursuant to this section and must be deposited into an account specifically for the operation and administration of the Drug Court. The Clerk of the Circuit Court of Cook County shall collect such fees and must remit the fees to the Drug Court, less five percent, which is to be retained as fee income to the Office of the Clerk of the Circuit Court of Cook County. The fees are to be paid as follows:

- (1) A fee of \$5.00 paid by the defendant on a judgment of guilty or grant of supervision for violation of the Illinois Vehicle Code or violations of similar provisions contained in County or municipal ordinances committed in the County; or
- (2) A fee of \$5.00 paid by the defendant on a judgment of guilty or grant of supervision under Section 5-9-1 of the Unified Code of Corrections for a felony; for a Class A, Class B or Class C misdemeanor; for a petty offense; and for a business offense.
- (3) The Clerk of the Circuit Court shall deposit the five percent retained under this section into the Circuit Court Clerk Operation and Administration Fund to be used to defray the costs of collection and disbursement of the drug court fee.

Sec. 18-41. - Children's Advocacy Center fee.

~~Beginning on January 1, 2008, The Circuit Court may order a fee of \$30.00 to be assessed as provided in this section. The Clerk of the Circuit Court of Cook County shall collect mandatory fee of \$30.00 to be assessed as provided in this section.~~ Assessments shall be collected by the Clerk of the Circuit Court and must be deposited into an account specifically for the operation and administration of Children's Advocacy Centers within Cook County. The fee is to be paid as follows:

- (1) The fee shall be paid by the defendant in criminal cases on a judgment of guilty or a grant of supervision under Section 5-9-1 of the Unified Code of Corrections (730 ILCS 5) for a felony; for a Class A, Class B, or Class C misdemeanor; for a petty offense; and for a business offense, but excluding any minor traffic violations under such section.

This Ordinance shall not supersede any other Ordinance enacted by the Cook County Board of Commissioners, which establishes and sets fees to be charged for other services not previously listed and provided by the Cook County Circuit Court Clerk.

Effective date: This ordinance shall be in effect immediately upon adoption.