

RESOLUTION
OF THE
COUNTY BOARD OF THE COUNTY OF DEWITT, ILLINOIS

A RESOLUTION ESTABLISHING CIVIL FEES AND
CRIMINAL AND TRAFFIC ASSESSMENTS
TO BE CHARGED BY THE CLERK OF THE CIRCUIT COURT

WHEREAS, the Illinois General Assembly passed comprehensive legislation in 2018, which completely overhauls the criminal, traffic and civil fee structures in the circuit courts throughout the State of Illinois; and

WHEREAS, the purpose of the legislation was to consolidate fees into unified schedules for all counties, to realign fees to be constitutional, and to provide for fee waivers for low income individuals; and

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

WHEREAS, Section 27.1b of the Clerks of Courts Act creates four schedules for civil filing fees, three schedules for civil appearance fees, and establishes various other fees that Clerks of the Circuit Court are authorized to assess in civil cases, all of which are generally classified as "not to exceed" amounts; 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 newly-adopted Criminal and Traffic Assessment Act, 705 ILCS 105/135 *et seq.*, sets out minimum fines to be levied and assessments to be charged in criminal and traffic cases by the Clerks of the Circuit Court 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 various 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 break down how the assessment amounts are to be distributed to various County funds, if those funds are in existence; otherwise, the amounts designated for funds that are not in existence are to be placed in the County's general fund for purposes related to operation of the court system in the County.

NOW THEREFORE, BE IT RESOLVED by the County Board for the County of DeWitt, Illinois, any ordinance, resolution or local rule in conflict with this resolution are hereby repealed in their entireties and replaced with the following:

1. Civil Fees and Criminal Assessments

- A. Civil fees and criminal assessments shall meet the requirements of Section 27.1b of the Clerks of Courts Act, 705 ILCS 105/27.1b, and the Criminal and Traffic Assessment Act, 705 ILCS 105/135 *et seq.*

Civil Fees

- A. Fees in civil matters shall be assess and distributed as set forth herein, in compliance with Section 27.1b of the Clerks of Courts Act, 705 ILCS 105/27.1b.
- B. The fees for filing a complaint, petition or other pleading initiating a civil action shall be as set forth in the schedules below in accordance with case categories established by the Illinois Supreme Court:

1. SCHEDULE 1: \$306.00 to be divided as follows:

- a. \$45.00 to be retained by the Clerk of the Circuit Court and deposited as follows:
- (1) Court Automation Fund - \$20.00
 - (2) Court Document Storage Fund - \$20.00
 - (3) Circuit Court Clerk Operation and Administrative Fund - \$5.00
- b. \$11.00 to be remitted to the State Treasurer and deposited as follows:
- (1) Access to Justice Fund - \$2.00
 - (2) Supreme Court Special Purposes Fund - \$9.00
- c. \$250.00 to be remitted to the County Treasurer and deposited as follows:
- (1) Circuit Clerk - \$202.00
 - (2) Court - \$5.00
 - (3) Law Library - \$13.00
 - (4) Judicial Security - \$30.00

2. SCHEDULE 2: \$256.00 to be divided as follows:

- a. \$45.00 to be retained by the Clerk of the Circuit Court and deposited as follows:
- (1) Court Automation Fund - \$20.00
 - (2) Court Document Storage Fund - \$20.00
 - (3) Circuit Court Clerk Operation and Administrative Fund - \$5.00
- b. \$11.00 to be remitted to the State Treasurer and distributed as follows:
- (1) Access to Justice Fund - \$2.00

- (2) Supreme Court Special Purposes Fund - \$9.00
- c. \$200.00 to be remitted to the County Treasurer and distributed as follows:
 - (1) Circuit Clerk - \$152.00
 - (2) Court - \$5.00
 - (3) Law Library - \$13.00
 - (4) Judicial Security - \$30.00
- 3. SCHEDULE 3: \$89.00 to be divided as follows:
 - a. \$22.00 to be retained by the Clerk of the Circuit Court and deposited as follows:
 - (1) Court Automation Fund - \$10.00
 - (2) Court Document Storage Fund - \$10.00
 - (3) Circuit Court Clerk Operation and Administrative Fund - \$2.00
 - b. \$11.00 to be remitted to the State Treasurer and distributed as follows:
 - (1) Access to Justice Fund - \$2.00
 - (2) Supreme Court Special Purposes Fund - \$9.00
 - c. \$56.00 to be remitted to the County Treasurer and distributed as follows:
 - (1) Circuit Clerk - \$23.00
 - (2) Court - \$5.00
 - (3) Judicial Security - \$18.00
 - (4) Law Library - \$10.00
- 4. SCHEDULE 4: \$0.00

C. The fees for filing an appearance in a civil action shall be as set forth in the schedules below in accordance with case categories established by the Illinois Supreme Court:

- 1. SCHEDULE 1: \$181.00 to be divided as follows:
 - a. \$45.00 to be retained by the Clerk of the Circuit Court and distributed as follows:
 - (1) Court Automation Fund - \$20.00
 - (2) Court Document Storage Fund - \$20.00
 - (3) Circuit Court Clerk Operation and Administrative Fund - \$5.00
 - b. \$11.00 to be remitted to the State Treasurer and distributed as follows:
 - (1) Access to Justice Fund - \$2.00
 - (2) Supreme Court Special Purposes Fund - \$9.00
 - c. \$125.00 to be remitted to the County Treasurer and distributed as follows:
 - (1) Circuit Clerk - \$77.00
 - (2) Court - \$5.00

- (3) Law Library - \$13.00
- (4) Judicial Security - \$30.00

2. SCHEDULE 2: \$109.00 to be divided as follows:

- a. \$10.00 to be retained by the Clerk of the Circuit Court and distributed as follows:
 - (1) Court Automation Fund - \$4.00
 - (2) Court Document Storage Fund - \$4.00
 - (3) Circuit Court Clerk Operation and Administrative Fund - \$2.00
- b. \$9.00 to be remitted to the State Treasurer and distributed as follows:
 - (1) Supreme Court Special Purposes Fund - \$9.00
- c. \$90.00 to be remitted to the County Treasurer and distributed as follows:
 - (1) Circuit Clerk - \$42.00
 - (2) Court - \$5.00
 - (3) Law Library - \$13.00
 - (4) Judicial Security - \$30.00

3. SCHEDULE 3: \$0.00

D. Except as otherwise specifically provided, the following miscellaneous fees are to be deposited in the County General Fund to be used for purposes related to the operation of the court system in the County:

- 1) Garnishments, Wage Deductions, & Citations
 - a. \$1,000 or less \$15
 - b. \$1,000-5,000 \$25
 - c. Over \$5,000 \$45
- 2) Alias
 - a. Citation or Summons \$5
- 3) Certification (Certified Copy) \$10
- 4) Motions: Traffic/Criminal
 - a. Vacate Bond Forfeiture Orders \$50
 - b. Vacate Ex Parte Judgments \$50
 - c. Vacate Judgment on Forfeitures \$50
 - d. Vacate "Failure to Appear" or "Failure to Comply" sent to Secretary of State \$50

- 5) Petitions to Modify, Alter, Vacate Any Judgment or Final Orders: \$40
- 6) Change of Venue \$40
- 7) Appeal Preparations:
- a. If record is 100 pages or less: \$75
 - b. If record is between 101 and 200 pages: \$150
 - c. If record is 201 pages or more: \$0.25 per page
- 8) Copies/Fax
- a. Regular Copies (First Page) \$2
 - b. Pages 2-19 \$0.50
 - c. Pages 20+ \$0.25
- 9) Collections:
- a. All collections (except State and County and maintenance and child support cases): 2.5% of the amount collected and turned over
 - b. In child support and maintenance cases: \$36.00 annually to be deposited in the Child Support Maintenance Fund
 - c. Certifications to Secretary of State pursuant to Section 7-703 of the Family Financial Responsibility Law: \$5.00
 - d. In proceedings to foreclose a delinquent real estate tax lien the State's Attorney shall receive a fee of 10% of the total amount realized from the sale of real estate sold in the proceedings.
- 10) Mailing: \$10 plus the cost of postage
- 11) For each record search, within a division or municipal district: \$6 per year searched
- 12) For filing each deed of voluntary assignment: \$40.00; for recording a deed of voluntary assignment: \$0.50 for each 100 words
- 13) Expungement Petition: \$60 fee plus \$60 Illinois State Police fee
- 14) Civil Jury Demand: \$212.50
- 15) Probate filings:
- a. Filing a claim:
 - I. Amount claimed greater than \$150 and not more than \$500 \$20.00
 - II. Amount claimed greater than \$500 and not more than \$10,000 \$40.00

- III. Amount claimed greater than \$10,000 \$60.00
- b. For a jury demand: \$125
- c. For each certified copy of letters of office, of court orders or other certifications: \$2.00 per page

16) For correction of the case number, case title, or attorney computer identification number, if required by rule of court, on any document filed in the Clerk's Office, to be charged against the party that filed the document: \$20.00

17) Small Claims filings:

- a) For a jury demand:
 - I. Jury demand – 12 person: \$25.00
 - II. Jury demand – 6 person: \$12.50

18) Unpaid Fees

1. Unless a court ordered payment schedule is implemented or the fee requirements of this Section are waived by court order, the Clerk is authorized to add to any unpaid fees and costs a delinquency amount equal to 5% of the unpaid fees that remain unpaid after 30 days, 10% of the unpaid fees that remain unpaid after 60 days, and 15% of the unpaid fees that remain unpaid after 90 days. Notice to those parties may be made by signage posting or publication.
2. Delinquency amounts collected pursuant to this provision shall be deposited into the Circuit Clerk Operations and Administration Fund to defray additional administrative costs incurred by the Clerk in collecting unpaid fees and costs.

Criminal Assessments

A. Assessments shall be imposed in criminal, traffic, conservation and non-traffic matters in accordance with the schedules set forth in the Criminal and Traffic Assessment Act, 705 ILCS 135/1-5 et seq., and shall be distributed as set forth herein.

1. SCHEDULE 1: Generic Felony Offenses

a. The Clerk shall collect \$549.00 and remit as follows:

- (1) \$354.00 to the County Treasurer who shall deposit the money as follows:
 - (a) \$20.00 to the Court Automation Fund
 - (b) \$20.00 to the Court Document Storage Fund

- (c) \$5.00 to the Circuit Court Clerk Operation and Administrative Fund
- (d) \$255.00 to the County General Fund to be distributed as follows:
 - I. Circuit Clerk - \$110.00
 - II. State's Attorney - \$35.00
 - III. Judicial Security - \$60.00
 - IV. Court - \$50.00
- (e) \$10.00 to the Child Advocacy Center Fund
- (f) \$2.00 to the State's Attorney Records Automation Fund
- (g) \$2.00 to the Public Defender Records Automation Fund
- (h) \$20.00 to the County Jail Medical Costs Fund
- (i) \$20.00 to the Probation and Court Services Fund

(2) \$195.00 to the State Treasurer

2. SCHEDULE 2: Felony DUI Offenses

a. The Clerk shall collect \$1,709.00 and remit as follows:

- (1) \$399.00 to the County Treasurer who shall deposit the money as follows:
 - (a) \$20.00 to the Court Automation Fund
 - (b) \$20.00 to the Court Document Storage Fund
 - (c) \$5.00 to the Circuit Court Clerk Operation and Administrative Fund
 - (d) \$300.00 to the County General Fund to be distributed as follows:
 - I. Circuit Clerk - \$120.00
 - II. State's Attorney - \$45.00
 - III. Judicial Security - \$60.00
 - IV. Court - \$75.00
 - (e) \$10.00 to the Child Advocacy Center Fund
 - (f) \$2.00 to the State's Attorney Records Automation Fund
 - (g) \$2.00 to the Public Defender Records Automation Fund
 - (h) \$20.00 to the County Jail Medical Costs Fund
 - (i) \$20.00 to the Probation and Court Services Fund

(2) \$1,110.00 to the State Treasurer

(3) \$200.00 to the treasurer of the unit of local government of the arresting agency

3. SCHEDULE 3: Felony Drug Offenses

a. The Clerk shall collect \$2,215.00 and remit as follows:

(1) \$354.00 to the County Treasurer who shall deposit the money as follows:

- (a) \$20.00 to the Court Automation Fund
- (b) \$20.00 to the Court Document Storage Fund
- (c) \$5.00 to the Circuit Court Clerk Operation and Administrative Fund
- (d) \$255.00 to the County General Fund to be distributed as follows:
 - I. Circuit Clerk - \$110.00
 - II. State's Attorney - \$35.00
 - III. Judicial Security - \$60.00
 - IV. Court - \$50.00
- (e) \$10.00 to the Child Advocacy Center Fund
- (f) \$2.00 to the State's Attorney Records Automation Fund
- (g) \$2.00 to the Public Defender Records Automation Fund
- (h) \$20.00 to the County Jail Medical Costs Fund
- (i) \$20.00 to the Probation and Court Services Fund

(2) \$1,861.00 to the State Treasurer

4. SCHEDULE 4: Felony Sex Offenses

a. The Clerk shall collect \$1,314.00 and remit as follows:

(1) \$354.00 to the County Treasurer who shall deposit the money as follows:

- (a) \$20.00 to the Court Automation Fund
- (b) \$20.00 to the Court Document Storage Fund
- (c) \$5.00 to the Circuit Court Clerk Operation and Administrative Fund
- (d) \$255.00 to the County General Fund to be distributed as follows:
 - I. Circuit Clerk - \$110.00
 - II. State's Attorney - \$35.00
 - III. Judicial Security - \$60.00
 - IV. Court - \$50.00
- (e) \$10.00 to the Child Advocacy Center Fund
- (f) \$2.00 to the State's Attorney Records Automation Fund
- (g) \$2.00 to the Public Defender Records Automation Fund
- (h) \$20.00 to the County Jail Medical Costs Fund
- (i) \$20.00 to the Probation and Court Services Fund

(2) \$960.00 to the State Treasurer

5. SCHEDULE 5: Generic Misdemeanor Offenses

a. The Clerk shall collect \$439.00 and remit as follows:

- (1) \$282.00 to the County Treasurer who shall deposit the money as follows:
 - (a) \$20.00 to the Court Automation Fund
 - (b) \$20.00 to the Court Document Storage Fund
 - (c) \$5.00 to the Circuit Court Clerk Operation and Administrative Fund
 - (d) \$8.00 to the Circuit Court Clerk Electronic Citation Fund
 - (e) \$185.00 to the County General Fund to be distributed as follows:
 - I. Circuit Clerk - \$85.00
 - II. State's Attorney - \$25.00
 - III. Judicial Security - \$40.00
 - IV. Court - \$35.00
 - (f) \$10.00 to the Child Advocacy Center Fund
 - (g) \$2.00 to the State's Attorney Records Automation Fund
 - (h) \$2.00 to the Public Defender Records Automation Fund
 - (i) \$10.00 to the County Jail Medical Costs Fund
 - (j) \$20.00 to the Probation and Court Services Fund
- (2) \$155.00 to the State Treasurer
- (3) \$2.00 to the treasurer of the unit of local government of the arresting agency

6. SCHEDULE 6: Misdemeanor DUI Offenses

a. The Clerk shall collect \$1,381.00 and remit as follows:

- (1) \$322.00 to the County Treasurer who shall deposit the money as follows:
 - (a) \$20.00 to the Court Automation Fund
 - (b) \$20.00 to the Court Document Storage Fund
 - (c) \$5.00 to the Circuit Court Clerk Operation and Administrative Fund
 - (d) \$8.00 to the Circuit Court Clerk Electronic Citation Fund
 - (e) \$225.00 to the County General Fund to be distributed as follows:
 - I. Circuit Clerk - \$85.00
 - II. State's Attorney - \$25.00
 - III. Judicial Security - \$40.00
 - IV. Court - \$75.00
 - (f) \$10.00 to the Child Advocacy Center Fund
 - (g) \$2.00 to the State's Attorney Records Automation Fund
 - (h) \$2.00 to the Public Defender Records Automation Fund

- (i) \$10.00 to the County Jail Medical Costs Fund
 - (j) \$20.00 to the Probation and Court Services Fund
- (2) \$707.00 to the State Treasurer
 - (3) \$352.00 to the treasurer of the unit of local government of the arresting agency

7. SCHEDULE 7: Misdemeanor Drug Offenses

a. The Clerk shall collect \$905.00 and remit as follows:

- (1) \$282.00 to the County Treasurer who shall deposit the money as follows:
 - (a) \$20.00 to the Court Automation Fund
 - (b) \$20.00 to the Court Document Storage Fund
 - (c) \$5.00 to the Circuit Court Clerk Operation and Administrative Fund
 - (d) \$8.00 to the Circuit Court Clerk Electronic Citation Fund
 - (e) \$185.00 to the County General Fund to be distributed as follows:
 - I. Circuit Clerk - \$85.00
 - II. State's Attorney - \$25.00
 - III. Judicial Security - \$40.00
 - IV. Court - \$35.00
 - (f) \$10.00 to the Child Advocacy Center Fund
 - (g) \$2.00 to the State's Attorney Records Automation Fund
 - (h) \$2.00 to the Public Defender Records Automation Fund
 - (i) \$10.00 to the County Jail Medical Costs Fund
 - (j) \$20.00 to the Probation and Court Services Fund
- (2) \$621.00 to the State Treasurer
- (3) \$2.00 to the treasurer of the unit of local government of the arresting agency

8. SCHEDULE 8: Misdemeanor Sex Offenses

a. The Clerk shall collect \$1,184.00 and remit as follows:

- (1) \$282.00 to the County Treasurer who shall deposit the money as follows:
 - (a) \$20.00 to the Court Automation Fund
 - (b) \$20.00 to the Court Document Storage Fund

- (c) \$5.00 to the Circuit Court Clerk Operation and Administrative Fund
 - (d) \$8.00 to the Circuit Court Clerk Electronic Citation Fund
 - (e) \$185.00 to the County General Fund to be distributed as follows:
 - I. Circuit Clerk - \$85.00
 - II. State's Attorney - \$25.00
 - III. Judicial Security - \$40.00
 - IV. Court - \$35.00
 - (f) \$10.00 to the Child Advocacy Center Fund
 - (g) \$2.00 to the State's Attorney Records Automation Fund
 - (h) \$2.00 to the Public Defender Records Automation Fund
 - (i) \$10.00 to the County Jail Medical Costs Fund
 - (j) \$20.00 to the Probation and Court Services Fund
- (2) \$900.00 to the State Treasurer
 - (3) \$2.00 to the treasurer of the unit of local government of the arresting agency

9. SCHEDULE 9: Major Traffic Offenses

a. The Clerk shall collect \$325.00 and remit as follows:

- (1) \$203.00 to the County Treasurer who shall deposit the money as follows:
 - (a) \$20.00 to the Court Automation Fund
 - (b) \$20.00 to the Court Document Storage Fund
 - (c) \$5.00 to the Circuit Court Clerk Operation and Administrative Fund
 - (d) \$8.00 to the Circuit Court Clerk Electronic Citation Fund
 - (e) \$150.00 to the County General Fund to be distributed as follows:
 - I. Circuit Clerk - \$53.00
 - II. State's Attorney - \$15.00
 - III. Judicial Security - \$32.00
 - IV. Court - \$50.00
- (2) \$97.00 to the State Treasurer
- (3) \$25.00 to the treasurer of the unit of local government of the arresting agency

10. SCHEDULE 10: Minor Traffic Offenses

a. The Clerk shall collect \$226.00 and remit as follows:

- (1) \$168.00 to the County Treasurer who shall deposit the money as follows:

- (a) \$20.00 to the Court Automation Fund
- (b) \$20.00 to the Court Document Storage Fund
- (c) \$5.00 to the Circuit Court Clerk Operation and Administrative Fund
- (d) \$8.00 to the Circuit Court Clerk Electronic Citation Fund
- (e) \$115.00 to the County General Fund to be distributed as follows:
 - I. Circuit Clerk - \$38.00
 - II. State's Attorney - \$15.00
 - III. Judicial Security - \$32.00
 - IV. Court - \$30.00
- (2) \$46.00 to the State Treasurer
- (3) \$12.00 to the treasurer of the unit of local government of the arresting agency

11. SCHEDULE 10.5: Truck Weight and Load Offenses

- a. The Clerk shall collect \$260.00 and remit as follows:
 - (1) \$168.00 to the County Treasurer who shall deposit the money as follows:
 - (a) \$20.00 to the Court Automation Fund
 - (b) \$20.00 to the Court Document Storage Fund
 - (c) \$5.00 to the Circuit Court Clerk Operation and Administrative Fund
 - (d) \$8.00 to the Circuit Court Clerk Electronic Citation Fund
 - (e) \$115.00 to the County General Fund to be distributed as follows:
 - I. Circuit Clerk - \$55.00
 - II. Judicial Security - \$20.00
 - III. Court - \$40.00
 - (2) \$92.00 to the State Treasurer

12. SCHEDULE 11: Conservation Offenses

- a. The Clerk shall collect \$195.00 and remit as follows:
 - (1) \$168.00 to the County Treasurer who shall deposit the money as follows:
 - (a) \$20.00 to the Court Automation Fund
 - (b) \$20.00 to the Court Document Storage Fund
 - (c) \$5.00 to the Circuit Court Clerk Operation and Administrative Fund

- (d) \$8.00 to the Circuit Court Clerk Electronic Citation Fund
- (e) \$115.00 to the County General Fund to be distributed as follows:
 - I. Circuit Clerk - \$50.00
 - II. Judicial Security - \$30.00
 - III. Court - \$35.00

(2) \$25.00 to the State Treasurer

(3) \$2.00 to the treasurer of the unit of local government of the arresting agency

13. SCHEDULE 12: Dispositions under Supreme Court Rule 529 (No Court Appearance Required Traffic Offenses)

a. The Clerk shall collect \$164.00 and remit as follows:

(1) \$100.00 to the County Treasurer who shall deposit the money as follows:

- (a) \$20.00 to the Court Automation Fund
- (b) \$20.00 to the Court Document Storage Fund
- (c) \$5.00 to the Circuit Court Clerk Operation and Administrative Fund
- (d) \$8.00 to the Circuit Court Clerk Electronic Citation Fund
- (e) \$47.00 to the County General Fund to be distributed as follows:
 - I. Circuit Clerk - \$37.00
 - II. Judicial Security - \$10.00

(2) \$14.00 to the State Treasurer

(3) \$50.00 to the treasurer of the unit of local government of the arresting agency

14. SCHEDULE 13: Petty Offense, Business Offense, or Non-Traffic Ordinance Violation

a. The Clerk shall collect \$100.00 and remit as follows:

(1) \$75.00 to the County Treasurer who shall deposit the money as follows:

- (a) \$20.00 to the Court Automation Fund
- (b) \$20.00 to the Court Document Storage Fund
- (c) \$5.00 to the Circuit Court Clerk Operation and Administrative Fund
- (d) \$8.00 to the Circuit Court Clerk Electronic Citation Fund

- (e) \$22.00 to the County General Fund to be distributed as follows:
 - I. Circuit Clerk - \$12.00
 - II. Judicial Security - \$10.00
- (2) \$25.00 to the treasurer of the unit of local government of the arresting agency

C. Unpaid Assessments.

- 1. Unless a court ordered payment schedule is implemented or the assessment requirements of this Section are waived by court order, the Clerk is authorized to add to any unpaid assessments a delinquency amount equal to 15% of the unpaid assessments that remain unpaid after 90 days.
- 2. Delinquency amounts collected pursuant to this provision shall be deposited into the Circuit Clerk Operations and Administration Fund to defray additional administrative costs incurred by the Clerk in collecting unpaid assessments.

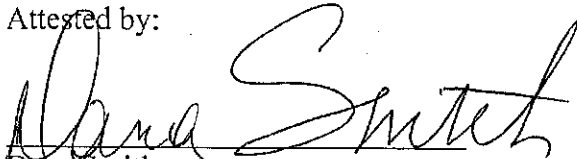
BE IT FURTHER RESOLVED, that this Resolution shall be effective on July 1, 2019.

PRESENTED, PASSED, APPROVED AND ADOPTED by the DeWitt County Board on this 30th day of June, 2019.



Dave Newberg
Chairman of the County Board
of the County of DeWitt, Illinois

Attested by:



Dana Smith
DeWitt County Clerk

Ayes: 8 Nays: 1 Absent: 3