



Lake County Illinois

Legislation Details (With Text)

File #: 23-0860 **Version:** 3 **Name:** expungement fee item
Type: ordinance **Status:** Joint Committee
File created: 6/2/2023 **In control:** Law & Judicial Committee
On agenda: **Final action:**
Title: Ordinance to modify the Petition to Expunge and Seal costs to be charged by the Circuit Clerk's Office.
Sponsors:
Indexes:
Code sections:
Attachments:

Date	Ver.	Action By	Action	Result
6/13/2023	2	Lake County Board		
6/8/2023	1	Financial & Administrative Committee	recommended for adoption to the regular agenda	Pass
6/6/2023	1	Law & Judicial Committee	approved and referred on to the Financial and Administrative Committee	Pass

Ordinance to modify the Petition to Expunge and Seal costs to be charged by the Circuit Clerk's Office.

- An Ordinance was entered on June 11, 2019 setting forth fees to be charged by the Circuit Clerk's Office, including petitions to expunge.
- The proposed Ordinance to Modify the Petition to Expunge and Seal costs to be charged by the Circuit Clerk's Office addresses fees that may be charged based on applicable law and modifies the current fee structure.
- This proposed ordinance would change the fee structure to be \$60 per petition, \$4 per certified copy, \$75 administrative fee per additional offense listed, and \$60 state police fee.
- At the June 13, 2023 Lake County Board Meeting, the Members referred the item back to the Law & Judicial Committee.
- At the June 27, 2023 Law and Judicial Committee meeting, the ordinance was amended so the Circuit Clerk's total administrative fee for all additional offense dates for a Petition to Expunge or Seal (\$75 administrative cost and \$10 mailing fee for each additional offense) shall not exceed \$160 per petition despite the number of additional offense dates included on the petition.

AN ORDINANCE ESTABLISHING FEES FOR EXPUNGEMENT CASES TO BE CHARGED BY THE CLERK OF THE CIRCUIT COURT

WHEREAS, on June 11, 2019, the County Board adopted an Ordinance, effective July 1, 2019 which set forth the current fees authorized to be charged by the Lake County Circuit Clerk for Petitions to Expunge and Seal; and

WHEREAS, Chapter 35 of the Lake County, IL Code of Ordinances sets the fees authorized to be charged by the Lake County Circuit Court Clerk for Petitions to Expunge and Seal; and

WHEREAS, the Illinois General Assembly passed comprehensive legislation, effective on August 20, 2021, with a purpose of providing an expansion of the expungement and sealing provisions; and

WHEREAS, the Criminal Identification Act and the Clerk of the Circuit Courts Act set forth the fees permitted to be assessed by the Clerk of the Circuit Court related to the filing of a Petition to Expunge or Seal; and

WHEREAS, the Criminal Identification Act specifies that the Circuit Court Clerk may charge an administrative fee for the cost associated with the sealing or expungement of records by the Circuit Court Clerk; and

WHEREAS, the Criminal Identification Act allows the Illinois State Police to charge a petitioner a fee for the cost of processing any order to expunge or seal records, and the Illinois State Police has set forth a \$60 fee for processing a court order to expunge or seal criminal history; and

WHEREAS, the Criminal Identification Act directs the Circuit Court Clerk to collect and remit the Illinois State Police portion of the fee to the State Treasurer; and

WHEREAS, the Criminal Identification Act permits the Circuit Court Clerk to charge up to \$60 for each expungement petition filed and up to \$4 per certified copy of an order to expunge or seal; and

WHEREAS, the Criminal Identification Act also provides that individuals seeking to seal or expunge arrest records or criminal cases can include more than one offense date on the Petition to Expunge or Seal; and

WHEREAS, the Clerk of the Circuit Court has conducted an analysis to determine the administrative cost associated with the expungement and sealing of a single offense date, not including the normal duties required by a deputy clerk, which calculates to ~~\$93~~ \$98 per offense, and a \$10.00 per offense mailing cost; and

WHEREAS, the Clerk of the Circuit Court has determined that a ~~\$93~~ \$98 administrative fee could be a financial hardship to individuals seeking to expunge or seal a case or multiple cases, and that access to justice seeks fairness to those individuals, therefore, a \$75 administrative fee for each additional offense date on each Petition to Expunge or Seal is reasonable; and

WHEREAS, said June 11, 2019 Ordinance should be amended to be consistent with applicable law.

NOW, THEREFORE, BE IT ORDAINED, by this County Board of Lake County, Illinois, that the Expungement and Sealing fees be set forth as follows, ~~provided that the total of such fees per petition (excluding the state police and certified copy fees) shall not exceed \$400. Expungement and Sealing fees be set forth as follows:~~

- \$60 for the initial petition including the first offense date
- \$10 mailing cost for the initial petition
- \$4.00 per certified copy
- \$60 for state police fee
- \$75 for administrative costs for each additional offense date
- \$10 mailing fee for each additional offense; and

BE IT FURTHER ORDAINED, that the Circuit Clerk's total administrative fee for all additional offense dates for a Petition to Expunge or Seal (\$75.00 administrative cost and \$10.00 mailing fee for each additional offense) shall not exceed \$160.00 per Petition despite the number of additional offense dates included on the Petition; and

BE IT FURTHER ORDAINED, that the June 11, 2019 Ordinance is hereby amended thereby modifying the fees the Clerk of the Circuit Court shall collect associated with Petitions to Expunge or Seal approved by means of that Ordinance; and

BE IT FURTHER ORDAINED, that this Ordinance shall be in full force and effect immediately upon its adoption.

DATED at Waukegan, Illinois, on July 11, 2023.