



Lake County Illinois

Legislation Text

File #: 11-0495, **Version:** 1

Ordinance repealing and rescinding the Ordinance providing for the imposition and collection of the Mental Health Court Fee and authorizing the creation of an Ordinance providing for the imposition and collection of additional fees to finance the court system.

- The County Board approved an ordinance establishing a \$10 fee to support the mental health court in 2005.
- Illinois Statute 55 ILCS 5/5-1101 that authorized this fee has been amended to allow for the imposition and collection of additional fees.
- Staff from the Nineteenth Judicial Circuit met with the Chief Judge and State's Attorney to review the fees that may be authorized by a County Board Ordinance.
- It is recommended that the current \$10 Mental Health Court Fee that is paid by defendants on a judgment of guilty or grant of supervision in criminal and DUI cases be extended to all cases under Section 5-9-1 of the Unified Code of Corrections, 730 ILCS 5/5-9-1, which applies to criminal, Driving Under the Influence (DUI), traffic, local ordinance, county ordinance and conservation cases with the exception of parking, registration or pedestrian violations.
- It is also recommended that the current \$10 fee be used to finance the county Mental Health Court, Drug Court, Veterans and Servicemembers Court or any or all of the above.
- By expanding the number of case types that pay this fee, it will generate about \$620,000 in new revenue.
- Illinois Statute 55 ILCS 5/5-1101 also allows for the imposition and collection of a \$5 fee to support the drug court. This fee will generate about \$335,000; it is recommended that these funds be used to finance treatment for drug court clients.
- Illinois Statute 55 ILCS 5/5-1101 also allows for the imposition and collection of a \$5 to \$30 fee to support the Children's Advocacy Center. Staff recommends establishing a fee of \$5, which will generate an additional \$335,000 for the Children's Advocacy Center.

WHEREAS, the Lake County Board enacted an ordinance providing for the imposition and collection of the Mental Health Court Fee on February 8, 2005; and

WHEREAS, the ordinance was based on Illinois Statute (55 ILCS 5/5-1101) which has been amended since that time; and

WHEREAS, it is now necessary to rescind the 2005 Ordinance in order to authorize the imposition and collection of additional fees that are included in the statute to finance the court system; and

WHEREAS, pursuant to 55 ILCS 5/5-1101(d-5) the Lake County Board is authorized to enact an ordinance or resolution establishing a \$10 fee to be paid by the defendant on a judgment of guilty or a grant of court supervision under Section 5-9-1 of the Unified Code of Corrections, 730 ILCS 5/5-9-1, to be placed in the general fund and used to finance the county Mental Health Court, Drug Court, Veterans and Servicemembers Court or any or all of the above; and

WHEREAS, pursuant to 55 ILCS 5/5-1101(f) the Lake County Board is authorized to enact an ordinance or resolution establishing a mandatory \$5 fee for the operation and administration of its drug court to be paid by the defendant on a judgment of guilty or a grant of court supervision for a violation of the Illinois Vehicle Code or a similar provision contained in a county or municipal ordinance committed in the County or on a judgment of guilty or a grant of supervision under Section 5-9-1 of the Unified Code of Corrections, 730 ILCS 5/5-9-1, for a felony; for a Class A, Class B, or Class C misdemeanor; for a petty offense; or for a business offense; and

WHEREAS, pursuant to 55 ILCS 5/5-1101(f-5) the Lake County Board is authorized to enact an ordinance or resolution establishing a \$5 to \$30 fee to be paid by the defendant on a judgment of guilty or a grant of court supervision under Section 5-9-1 of the Unified Code of Corrections, 730 ILCS 5/5-9-1, for a felony; for a Class A, Class B, or Class C misdemeanor; for a petty offense; or for a business offense for the operation and administration of the Children's Advocacy Center; and

WHEREAS, it is recommended that the County Board authorize a \$10 fee to support the designated specialty courts, a \$5 fee to support the drug court, and a \$5 fee to support the Children's Advocacy Center.

NOW, THEREFORE, BE IT ORDAINED, by this County Board of Lake County, Illinois, as follows:

Section 1. Effective September 1, 2011, the ORDINANCE PROVIDING FOR THE IMPOSITION AND COLLECTION OF THE MENTAL HEALTH COURT FEE enacted on February 8, 2005 shall be and is hereby repealed and rescinded; and

Section 2. A \$10 (ten dollar) fee shall be imposed against a defendant on a judgment of guilty or a grant of supervision under Section 5-9-1 of the Unified Code of Corrections, 730 ILCS 5/5-9-1, which applies to criminal, Driving Under the Influence (DUI), traffic, local ordinance, county ordinance and conservation cases (with the exception of parking, registration or pedestrian violations), to be placed in the County general fund and used to finance the County Mental Health Court, Drug Court, Veterans and Servicemembers Court, or any or all of the above (the "Specialty Court Fee"). The Clerk of the Circuit Court of Lake County is hereby authorized and directed to collect this specialty court fee and to remit this specialty court fee to the Lake County Treasurer. The specialty court fees shall be used to support and finance the county Mental Health Court, the county Drug Court, the Veterans and Servicemembers Court, or any of the above.

Section 3. A \$5 (five dollar) fee shall be imposed against a defendant on a judgment of guilty or a grant of court supervision for a violation of the Illinois Vehicle Code or a similar provision contained in a county or municipal ordinance or on a judgment of guilty or a grant of court supervision under Section 5-9-1 of the Unified Code of Corrections, 730 ILCS 5/5-9-1, for a felony; for a Class A, Class B, or Class C misdemeanor; for a petty offense; or for a business offense for the operation and administration of the county Drug Court (the "Drug Court Fee"). The Clerk of the Circuit Court of Lake County is hereby authorized and directed to collect this Drug Court fee, which shall be deposited in

an account specifically for the operation and administration of the drug court, except that the Clerk of the Circuit Court shall retain 5% of the Drug Court fee to defray the costs of collection and disbursement of the Drug Court fee.

Section 4. A \$5 (five dollar) fee shall be imposed against a defendant on a judgment of guilty or a grant of court supervision under Section 5-9-1 of the Unified Code of Corrections, 730 ILCS 5/5-9-1, for a felony; for a Class A, Class B, or Class C misdemeanor; for a petty offense; or for a business offense for the operation and administration of the Children's Advocacy Center (the "CAC Fee"). The Clerk of the Circuit Court of Lake County is hereby authorized and directed to collect this CAC fee, which shall be deposited in an account specifically for the operation and administration of the Children's Advocacy Center and remitted to the Children's Advocacy Center.

Section 5. The Clerk of the Court shall commence collection of the fees referenced in Sections 2, 3, and 4 of this Ordinance on September 1, 2011.

Section 6. The Lake County Clerk shall prepare and deliver a certified copy of this Ordinance to the Chief Judge of the Nineteenth Judicial Circuit, the Clerk of the Circuit Court, the Lake County Treasurer, the County Administrator, the State's Attorney and the Public Defender.

DATED, at Waukegan, Lake County, Illinois, on July 12, 2011.