



Lake County Illinois

Legislation Text

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Ordinance amending Chapter 35: Finances, Fees, and Funds, of the Lake County Code of Ordinances, and County Board Ordinance dated June 11, 2019.

- On August 20, 2018, the Illinois Legislature enacted Public Act 100-0987, the Criminal and Traffic Assessment Act (CTAA), effective July 1, 2019.
- The CTAA, includes various provisions such as:
 - Establishing a minimum fine of \$25 for certain offenses.
 - Provides when any defendant is convicted, pleads guilty, or placed on court supervision for a violation of a law or local ordinance, the court shall order one schedule of assessments in the case plus any conditional assessment applicable to a conviction in the case.
 - Provides that a defendant may petition the court for full or partial waiver of court assessments imposed under the Criminal and Traffic Assessment Act.
- Lake County's ordinance governing the fees and assessments that the Circuit Court Clerk may charge was updated on June 11, 2019 to reflect the changes mandated by the CTAA.
- The CTAA did not address the fee that is to be charged in support of Law Libraries and based on an analysis of the fees collected in the initial year, the fee structure should be realigned to provide additional support to the Law Library.
- This action redistributes civil filing fees but does not increase the overall amount charged.
- Upon approval of this item and ordinance, the County of Lake, Illinois Code of Ordinances, will be modified as in the attached exhibit.

ORDINANCE

WHEREAS, Chapter 35 of the Lake County, Illinois Code of Ordinances, along with a County Board Resolution dated September 14, 2004, effective December 1, 2004, currently set forth the fees authorized to be charged by the Lake County Circuit Court Clerk in both civil and criminal cases in Lake County; and

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 135/1-1 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 ORDAINED, that by the County Board for the County of Lake, Illinois, that Sections 35.15, 35.17, 35.19, 35.22, 35.23, 70.01 of the Lake County Code of Ordinances, and County Board Resolution dated September 14, 2004 be amended in accordance with the attached exhibited labeled Exhibit A: Chapter 35 Amendments.

BE IT FURTHER ORDAINED, that this revised Ordinance shall be effective on October 1, 2020.

BE IT FURTHER ORDAINED, that the Clerk of the County Board is hereby authorized and directed to prepare and deliver certified copies of this Ordinance to the Clerk of the Circuit Court, the Chief Judge of the Nineteenth Judicial Circuit, and the Lake County Bar Association.

DATED on this 8th day of September, 2020 by the County Board of the County of Lake, Illinois.