

\*Resolution 19-43 — \*FAILED\*

ORDINANCE  
OF THE  
COUNTY BOARD OF THE COUNTY OF FORD ILLINOIS

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

WHEREAS, All previously entered Ordinances or Resolutions of Ford County currently setting the fees the circuit clerk shall collect in both civil and criminal cases in Ford 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 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.

WHEREAS, current Ordinances and Resolutions of Ford County are hereby repealed in their entireties and replaced with the following:

Sec. 34 – 1. Civil Fees and Criminal Assessments.

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.*

Sec. 34 – 2. Civil Fees.

A. Fees in civil matters shall be assessed 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: \$314.00 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. \$19.00 to be remitted to the State Treasurer and deposited as follows:

- (1) Mandatory Arbitration Fund - \$8.00
- (2) Access to Justice Fund - \$2.00
- (3) Supreme Court Special Purposes Fund - \$9.00

c. \$250.00 to be remitted to the County Treasurer and deposited as follows:

- (1) General Fund (Circuit Clerk) - \$210.00
- (2) Court Security Fund - \$40.00

2. SCHEDULE 2: \$264.00 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. \$19.00 to be remitted to the State Treasurer and distributed as follows:
    - (1) Mandatory Arbitration Fund - \$8.00
    - (2) Access to Justice Fund - \$2.00
    - (3) Supreme Court Special Purposes Fund - \$9.00
  - c. \$200.00 to be remitted to the County Treasurer and distributed as follows:
    - (1) General Fund (Circuit Clerk) - \$160.00
    - (2) Court Security Fund - \$40.00
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 - \$9.00
    - (2) Court Document Storage Fund - \$9.00
    - (3) Circuit Court Clerk Operation and Administrative Fund - \$4.00
  - 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) General Fund (Circuit Clerk) - \$46.00
    - (2) Court Security Fund - \$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: \$189.00 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) Mandatory Arbitration Fund - \$8.00
    - (2) Access to Justice Fund - \$2.00
    - (3) Supreme Court Special Purposes Fund - \$9.00
  - c. \$125.00 to be remitted to the County Treasurer and distributed as follows: