

Changes to Court Fees and Assessments

Senate Bill 2447, introduced by Senator Elgie R. Sims, Jr. on February 7, 2025, proposes several amendments affecting court fees, assessments, and procedures in Illinois. The bill is an initiative of the Chicago Bar Association.

The bill intends to reform court fees, assessments, and financial obligations to create a more standardized, equitable, and accessible legal system. The bill aims to address issues related to court-imposed fees, financial barriers to justice, and revenue distribution for state and county programs.

SB 2447 follows similar efforts in other states (e.g., California, Washington, and New Mexico) aimed at reducing the financial burden of court fees on marginalized communities while maintaining essential court funding.

Proposed Changes to Existing Law

State Finance Act Amendments: The bill mandates that court clerks remit a portion of filing and appearance fees to the State Treasurer for deposit into the Guardianship and Advocacy Fund. It also increases various scheduled fees and introduces new fees for county law libraries, neutral site custody exchanges, dispute resolutions, and domestic relations legal funds.

Clerks of Courts Act Amendments: No fees may be charged for accounts filed for guardianships established for disabled minors or adults. The bill removes provisions allowing clerks to add delinquency amounts to unpaid fees after specific periods.

Criminal and Traffic Assessment Act Amendments: SB2447 introduces additional conditional assessments, including court-supervised service provider costs imposed in a case.

Code of Criminal Procedure of 1963 Amendments: The bill prohibits plea agreements that require defendants to waive their right to seek an assessment waiver.

Unified Code of Corrections Amendments: Courts are required to reduce the total amount of fines imposed on defendants sentenced to imprisonment, based on the length of the prison sentence.

Provisions Affecting County Government and Revenues

New Fees for County Services: The bill authorizes counties to enact fees for services such as county law libraries, neutral site custody exchanges, dispute resolutions, and domestic relations legal funds. These fees are intended to support specific county services and programs, potentially increasing county revenues.

Remittance of Fees to State Funds: By requiring court clerks to remit portions of filing and appearance fees to the State Treasurer for the Guardianship and Advocacy Fund, counties may experience a redistribution of funds that could affect local revenue streams. This redistribution means that counties may retain less of these fees, potentially reducing their revenue from these sources.

Elimination of Delinquency Additions: SB 2447 removes the provision allowing clerks to add delinquency amounts to unpaid fees after certain periods (e.g., 5% after 30 days, 10% after 60 days, and 15% after 90 days). This change could decrease the total fees collected by counties, as they would no longer receive these additional charges on overdue payments.

Overall Fiscal Impact

The net effect of SB 2447 on county revenues will depend on how each county implements the provisions. Counties that choose to enact the newly authorized fees may offset some or all of the revenue reductions resulting from the redistribution of filing and appearance fees and the elimination of delinquency additions. Conversely, counties that do not implement these new fees may experience an overall decrease in revenue.

