



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

July 9, 1999

Jim Ryan
ATTORNEY GENERAL

FILE NO. 99-012

FEES:
Use of Court Records Automation Fee

The Honorable Kimberly G. Koester
State's Attorney, Jasper County
123 South Jackson
Newton, Illinois 62448

Dear Ms. Koester:

I have your letter wherein you inquire whether the proceeds of fees collected pursuant to section 27.3a of the Clerks of Courts Act (705 ILCS 105/27.3a (West 1996)), which authorizes the collection of a court records automation fee by circuit clerks, may be used to purchase laptop computers for the use of circuit judges. For the reasons hereinafter stated, it is my opinion that the purchase of laptop computers for judges to use in accessing the clerk's automated record system is an appropriate use of the proceeds of the court records automation fee.

Section 27.3a of the Clerks of Courts Act provides, in part:

" * * *

1. The expense of establishing and maintaining automated record keeping systems in the offices of the clerks of the circuit court shall be borne by the county. To defray such expense in any county having established such an automated system or which elects to establish such a system, the county board may require the clerk of the circuit court in their county to charge and collect a court automation fee of not less than \$1 nor more than \$5 to be charged and collected by the clerk of the court. * * *

* * *

* * * The fees shall be remitted monthly by such clerk to the county treasurer, to be retained by him in a special fund designated as the court automation fund. The fund shall be audited by the county auditor, and the [county] board shall make expenditure from the fund in payment of any cost related to the automation of court records, including hardware, software, research and development costs and personnel related thereto, provided that the expenditure is approved by the clerk of the court and by the chief judge of the circuit court or his designate.

* * *

"

(Emphasis added.)

According to the information you have provided, the provision of laptop computers to the judges of the circuit will permit those judges to access the automated records of the circuit clerk directly, and eventually to prepare orders and docket entries for inclusion in those records. While not all counties in the circuit currently have the capacity for the full

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range of electronic communications, plans have been made for the necessary enhancements in each county. Electronic access to the clerk's records will facilitate the judges' ability to schedule hearings and otherwise manage cases on a 24 hour a day, seven day a week basis.

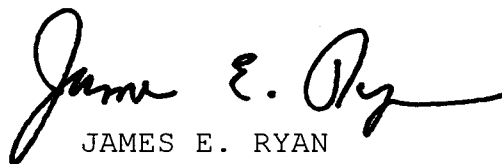
Section 27.3a provides that court automation funds may be used for "* * * any cost related to the automation of court records, including hardware, software, research and development costs and personnel related thereto * * *". The laptop computers in question are hardware (with related software) to be used to access data stored in court records. The automation of records serves little purpose if they cannot be accessed, particularly by the judicial officers who create and rely upon them.

In my opinion, the provision of laptop computers to circuit judges for the purpose of permitting the judges to access automated court records is a cost related to the automation of court records within the meaning of section 27.3a of the Clerks of Court Act. The county board may, therefore, properly expend funds for that purpose, provided that the expenditures are

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approved by the clerk of the court and the chief judge of the circuit, as provided by statute.

Sincerely,

A handwritten signature in cursive script that reads "James E. Ryan". The signature is written in black ink and is positioned above the printed name and title.

JAMES E. RYAN
ATTORNEY GENERAL