



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 02/06/04, by Michael J. Madigan

SYNOPSIS AS INTRODUCED:

740 ILCS 5/1

from Ch. 40, par. 1901

Amends the Alienation of Affections Act. Makes technical changes in a Section concerning public policy.

LRB093 17083 LCB 42749 b

1 AN ACT in relation to civil liabilities.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Alienation of Affections Act is amended by
5 changing Section 1 as follows:

6 (740 ILCS 5/1) (from Ch. 40, par. 1901)

7 Sec. 1. Public policy. It is hereby declared, as a matter
8 of legislative determination, that the remedy heretofore
9 provided by law for the enforcement of the action for
10 alienation of affections has been subjected to grave abuses and
11 has been used as an instrument for blackmail by unscrupulous
12 persons for their unjust enrichment, due to the indefiniteness
13 of the damages recoverable in such actions and the consequent
14 fear of persons threatened with such actions that exorbitant
15 damages might be assessed against them. It is also hereby
16 declared that the award of monetary damages in such actions is
17 ineffective as a recompense for genuine mental or emotional
18 distress. Accordingly, it is hereby declared as the public
19 policy of the state that the best interests of the people of
20 the state will be served by limiting the damages recoverable in
21 such actions and by leaving any punishment of wrongdoers guilty
22 of alienation of affections to proceedings under the criminal
23 laws of the state, rather than to the imposition of punitive,
24 exemplary, vindictive, or aggravated damages in actions for
25 alienation of affections. Consequently, in the public
26 interest, the necessity for the enactment of this chapter is
27 hereby declared as a matter of legislative determination.

28 (Source: Laws 1947, p. 796.)