



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

Introduced 02/09/04, by Kevin Joyce

SYNOPSIS AS INTRODUCED:

735 ILCS 5/7-101

from Ch. 110, par. 7-101

Amends the Code of Civil Procedure. Makes a technical change in a Section concerning compensation ascertained by a jury in eminent domain cases.

LRB093 21168 LCB 47242 b

1 AN ACT concerning civil procedure.

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

4 Section 5. The Code of Civil Procedure is amended by
5 changing Section 7-101 as follows:

6 (735 ILCS 5/7-101) (from Ch. 110, par. 7-101)

7 Sec. 7-101. Compensation - Jury. Private property shall not
8 be taken or damaged for public use without just compensation,
9 and in all cases where ~~in which~~ compensation is not made by the
10 state in its corporate capacity, or a political subdivision of
11 the state, or municipality in its respective corporate
12 capacity, such compensation shall be ascertained by a jury, as
13 hereinafter prescribed. Where compensation is so made by the
14 state, a political subdivision of the state, or municipality,
15 any party upon application may have a trial by jury to
16 ascertain the just compensation to be paid. Such demand on the
17 part of the state, a political subdivision of the state, or
18 municipality, shall be filed with the complaint for
19 condemnation of the state, a political subdivision of the
20 state, or municipality. Where the state, a political
21 subdivision of the state, or municipality is plaintiff, a
22 defendant desirous of a trial by jury must file a demand
23 therefor on or before the return date of the summons served on
24 him or her or fixed in the publication in case of defendants
25 served by publication. In the event no party in the
26 condemnation action demands a trial by jury as provided for by
27 this Section, then the trial shall be before the court without
28 a jury. The right to just compensation as provided in this
29 Article applies to the owner or owners of any lawfully erected
30 off-premises outdoor advertising sign that is compelled to be
31 altered or removed under this Article or any other statute, or
32 under any ordinance or regulation of any municipality or other

1 unit of local government, and also applies to the owner or
2 owners of the property on which that sign is erected. The right
3 to just compensation as provided in this Article applies to
4 property subject to a conservation right under the Real
5 Property Conservation Rights Act. The amount of compensation
6 for the taking of the property shall not be diminished or
7 reduced by virtue of the existence of the conservation right.
8 The holder of the conservation right shall be entitled to just
9 compensation for the value of the conservation right.
10 (Source: P.A. 91-497, eff. 1-1-00.)