



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**  
**HOUSE JOINT RESOLUTION**  
**CONSTITUTIONAL AMENDMENT**  
**HC0037**

Introduced 3/18/2004, by Rep. Tom Cross

**SYNOPSIS AS INTRODUCED:**

ILCON Art. XIII heading  
ILCON Art. XIII, Sec. 13.5 new

Permits the General Assembly to provide by law for the pre-trial medical peer review of all medical malpractice actions filed in Illinois. Provides that the review is non-binding but is admissible at trial.

LRB093 21546 LCB 48744 e

1 HOUSE JOINT RESOLUTION  
 2 CONSTITUTIONAL AMENDMENT

3 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE  
 4 NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE  
 5 SENATE CONCURRING HEREIN, that there shall be submitted to the  
 6 electors of the State for adoption or rejection at the general  
 7 election next occurring at least 6 months after the adoption of  
 8 this resolution a proposition to add Section 13.5 to Article IV  
 9 of the Illinois Constitution as follows:

10 (ILCON Art. XIII heading)

11 ARTICLE XIII  
 12 GENERAL PROVISIONS

13 (ILCON Art. XIII, Sec. 13.5 new)

14 Sec. 13.5. PRE-TRIAL MEDICAL PEER REVIEW

15 (a) Notwithstanding any other provision of this  
 16 Constitution, the General Assembly may provide by law for the  
 17 pre-trial medical peer review of all medical malpractice  
 18 actions, as defined by law, filed in Illinois. The review is  
 19 non-binding, but any determination made as a result of the  
 20 review is admissible at trial.

21 (b) This Section applies without regard to whether the  
 22 claim or cause of action arises under or is derived from common  
 23 law, a statute, or other law, including any claim or cause of  
 24 action based or sounding in tort, contract, or any other theory  
 25 or any combination of theories of liability.

26 (c) This Section applies to any law enacted by the General  
 27 Assembly on, before, or after the effective date of this  
 28 Section.

29 (d) This Section and laws implementing this Section shall  
 30 not be construed to be in conflict with the judicial power  
 31 vested in the courts under Section 1 of Article VI or to  
 32 violate the doctrine of separation of powers.

1 SCHEDULE

2 This Constitutional Amendment takes effect upon being  
3 declared adopted in accordance with Section 7 of the Illinois  
4 Constitutional Amendment Act.