

**HB0869**



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**HB0869**

Introduced 2/2/2005, by Rep. Angelo Saviano

**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 for the taking of private property for public use.

LRB094 05912 LCB 35966 b

**A BILL FOR**

1 AN ACT concerning civil law.

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 ~~for~~ public use without just  
9 compensation, and in all cases in which compensation is not  
10 made by the state in its corporate capacity, or a political  
11 subdivision of the state, or municipality in its respective  
12 corporate capacity, such compensation shall be ascertained by a  
13 jury, as hereinafter prescribed. Where compensation is so made  
14 by the state, a political subdivision of the state, or  
15 municipality, any party upon application may have a trial by  
16 jury to ascertain the just compensation to be paid. Such demand  
17 on the part of the state, a political subdivision of the state,  
18 or 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.)