



Sen. John J. Cullerton

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09500SB0486sam002

LRB095 03620 AJ0 32420 a

1 AMENDMENT TO SENATE BILL 486

2 AMENDMENT NO. _____. Amend Senate Bill 486 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Code of Civil Procedure is amended by
5 adding Section 2-807 as follows:

6 (735 ILCS 5/2-807 new)

7 Sec. 2-807. Residual funds in a common fund created in a
8 class action.

9 (a) Definitions. As used in this Section:

10 "Eligible organization" means a not-for-profit
11 organization that:

12 (i) has been in existence for no less than 3 years;

13 (ii) has been tax exempt for no less than 3 years from
14 the payment of federal taxes under Section 501(c)(3) of the
15 Internal Revenue Code;

16 (iii) is in compliance with registration and filing

1 requirements applicable pursuant to the Charitable Trust
2 Act and the Solicitation for Charity Act; and

3 (iv) has a principal purpose of promoting or providing
4 services that would be eligible for funding under the
5 Illinois Equal Justice Act.

6 "Residual funds" means all unclaimed funds, including
7 uncashed checks or other unclaimed payments, that remain in a
8 common fund created in a class action after court-approved
9 payments are made for the following:

10 (i) class member claims;

11 (ii) attorney's fees and costs; and

12 (iii) any reversions to a defendant agreed upon by the
13 parties.

14 (b) Settlement. An order approving a proposed settlement of
15 a class action that results in the creation of a common fund
16 for the benefit of the class shall, consistent with the other
17 Sections of this Part, establish a process for the
18 administration of the settlement and shall provide for the
19 distribution of any residual funds to one or more eligible
20 organizations, except that up to 50% of the residual funds may
21 be distributed to one or more other nonprofit charitable
22 organizations or other organizations that serve the public good
23 if the court finds there is good cause to approve such a
24 distribution as part of a settlement.

25 (c) Judgment. A judgment in favor of the plaintiff in a
26 class action that results in the creation of a common fund for

1 the benefit of the class shall provide for the distribution of
2 any residual funds to one or more eligible organizations.

3 (d) State and its political subdivisions. This Section does
4 not apply to any class action lawsuit against the State of
5 Illinois or any of its political subdivisions.

6 (e) Application. This Section applies to all actions
7 commenced on or after the effective date of this amendatory Act
8 of the 95th General Assembly and to all actions pending on the
9 effective date of this amendatory Act of the 95th General
10 Assembly.

11 Section 99. Effective date. This Act takes effect July 1,
12 2008.".