



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

SB1501

Introduced 2/9/2007, by Sen. David Koehler

#### SYNOPSIS AS INTRODUCED:

735 ILCS 5/2-805

from Ch. 110, par. 2-805

Amends the Code of Civil Procedure. In connection with judgments in class actions, provides for payment of amounts to members of a class. Provides that after the class members are paid, any residue plus interest shall be paid to nonprofit organizations that benefit the class or facilitate healthcare services in Illinois. Provides that the Section does not apply to a class action against any public entity or public employee. Provides that the Section does not abrogate any equitable cy pres remedy applicable to a class action residue. Effective immediately.

LRB095 08728 AJ0 28911 b

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 2-805 as follows:

6 (735 ILCS 5/2-805) (from Ch. 110, par. 2-805)

7 Sec. 2-805. Judgments in class cases. Any judgment entered  
8 in a class action brought under Section 2-801 of this Act shall  
9 be binding on all class members, as the class is defined by the  
10 court, except those who have been properly excluded from the  
11 class under subsection (b) of Section 2-804 of this Act.

12 Prior to the entry of any judgment in a class action  
13 brought under Section 2-801 of this Act, the court shall  
14 determine the total amount that will be payable to all class  
15 members, if all class members are paid the amount to which they  
16 are entitled pursuant to the judgment. The court shall also set  
17 a date when the parties shall report to the court the total  
18 amount that was actually paid to the class members. After the  
19 report is received, the court shall amend the judgment to  
20 direct the defendant to pay the sum of the unpaid residue, plus  
21 interest on that sum at the legal rate of interest from the  
22 date of entry of the initial judgment, to nonprofit  
23 organizations or foundations (1) to support projects that will

1 benefit the class or similarly situated persons, or (2) to  
2 promote and facilitate the provision of healthcare services to  
3 Illinois residents. This Section shall not apply to any class  
4 action brought against the State, any unit of local government,  
5 any school district, any other public entity, or any public  
6 employee. However, this Section shall not be construed to  
7 abrogate any equitable cy pres remedy which may be available in  
8 any class action with regard to all or part of the residue.

9 (Source: P.A. 82-280.)

10 Section 99. Effective date. This Act takes effect upon  
11 becoming law.