

# HB2023



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB2023

Introduced 2/18/2009, by Rep. Michael J. Madigan - Barbara Flynn Currie - John A. Fritchey

#### SYNOPSIS AS INTRODUCED:

735 ILCS 5/8-2701

Amends the Code of Civil Procedure. Makes a technical change in a Section concerning the admissibility of out of court statements concerning elder abuse, neglect, or financial exploitation made by elderly adults.

LRB096 05466 AJO 15532 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 8-2701 as follows:

6 (735 ILCS 5/8-2701)

7 Sec. 8-2701. Admissibility of evidence; out of court  
8 statements; elder abuse.

9 (a) An out of court statement made by an eligible adult, as  
10 defined in the ~~the~~ Elder Abuse and Neglect Act, who has been  
11 diagnosed by a physician to suffer from (i) any form of  
12 dementia, developmental disability, or other form of mental  
13 incapacity or (ii) any physical infirmity which prevents the  
14 eligible adult's appearance in court, describing any act of  
15 elder abuse, neglect, or financial exploitation, or testimony  
16 by an eligible adult of an out of court statement made by the  
17 eligible adult that he or she complained of such acts to  
18 another, is admissible in any civil proceeding, if:

19 (1) the court conducts a hearing outside the presence  
20 of the jury and finds that the time, content, and  
21 circumstances of the statement provide sufficient  
22 safeguards of reliability; and

23 (2) the eligible adult either:

1 (A) testifies at the proceeding; or

2 (B) is unavailable as a witness and there is  
3 corroborative evidence of the act which is the subject  
4 of the statement.

5 (b) If a statement is admitted pursuant to this Section,  
6 the court shall instruct the jury that it is for the jury to  
7 determine the weight and credibility to be given to the  
8 statement and that, in making its determination, it shall  
9 consider the condition of the eligible adult, the nature of the  
10 statement, the circumstances under which the statement was  
11 made, and any other relevant factors.

12 (c) The proponent of the statement shall give the adverse  
13 party reasonable notice of an intention to offer the statement  
14 and the particulars of the statement.

15 (Source: P.A. 90-628, eff. 1-1-99.)