



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB3726

Introduced 2/25/2009, by Rep. Sidney H. Mathias

SYNOPSIS AS INTRODUCED:

735 ILCS 5/2-1602

735 ILCS 5/13-218

from Ch. 110, par. 13-218

Amends the Code of Civil Procedure. Provides that a petition to revive a judgment may be filed (instead of that a judgment may be revived) in the seventh year after its entry, in the seventh year after its last revival, or in the twentieth year after its entry (instead of only in the seventh year after its entry or in the seventh year after its last revival), or at any other time (instead of any other time thereafter) within 20 years after its entry if the judgment becomes dormant. Provides that a petition to revive a judgment may be filed no later than 20 years after the date of the judgment (instead of that judgments in a circuit court may be revived within 20 years next after date of entry of the judgment and not after). Eliminates a provision that designated provisions of the Code concerning reversal or dismissal of an action under Article XIII of the Code ("Real Actions") also apply to these provisions. Provides that these provisions are declarative of existing law. Effective immediately.

LRB096 09378 AJO 19535 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 Sections 2-1602 and 13-218 as follows:

6 (735 ILCS 5/2-1602)

7 Sec. 2-1602. Revival of judgment.

8 (a) A petition to revive a judgment may be filed ~~revived~~ in
9 the seventh year after its entry, or in the seventh year after
10 its last revival, or in the twentieth year after its entry, or
11 at any other time ~~thereafter~~ within 20 years after its entry if
12 the judgment becomes dormant. The provisions of this amendatory
13 Act of the 96th General Assembly are declarative of existing
14 law.

15 (b) A petition to revive a judgment shall be filed in the
16 original case in which the judgment was entered. The petition
17 shall include a statement as to the original date and amount of
18 the judgment, court costs expended, accrued interest, and
19 credits to the judgment, if any.

20 (c) Service of notice of the petition to revive a judgment
21 shall be made in accordance with Supreme Court Rule 106.

22 (d) An order reviving a judgment shall be for the original
23 amount of the judgment. The plaintiff may recover interest and

1 court costs from the date of the original judgment. Credits to
2 the judgment shall be reflected by the plaintiff in
3 supplemental proceedings or execution.

4 (e) If a judgment debtor has filed for protection under the
5 United States Bankruptcy Code and failed to successfully
6 adjudicate and remove a lien filed by a judgment creditor, then
7 the judgment may be revived only as to the property to which a
8 lien attached before the filing of the bankruptcy action.

9 (f) A judgment may be revived as to fewer than all judgment
10 debtors, and such order for revival of judgment shall be final,
11 appealable, and enforceable.

12 (g) This Section does not apply to a child support judgment
13 or to a judgment recovered in an action for damages for an
14 injury described in Section 13-214.1, which need not be revived
15 as provided in this Section and which may be enforced at any
16 time as provided in Section 12-108.

17 (Source: P.A. 92-817, eff. 8-21-02.)

18 (735 ILCS 5/13-218) (from Ch. 110, par. 13-218)

19 Sec. 13-218. Revival of judgment. A petition to revive a
20 judgment, as provided by Section 2-1601 of this Code, Judgments
21 in a circuit court may be filed no later than ~~revived as~~
22 ~~provided by Section 2-1601 of this Act, within~~ 20 years next
23 after the date of entry of such judgment ~~and not after;~~ and the
24 ~~provisions of Section 13-217 of this Act shall apply also to~~
25 this Section. The provisions of this amendatory Act of the 96th

1 General Assembly are declarative of existing law.

2 (Source: P.A. 83-1362.)

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.