



Rep. Karen A. Yarbrough

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09600HB5523ham002

LRB096 18361 AJO 38961 a

1 AMENDMENT TO HOUSE BILL 5523

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5523 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 9-106.2 as follows:

6 (735 ILCS 5/9-106.2 new)

7 Sec. 9-106.2. Affirmative defense for violence; barring  
8 persons from property.

9 (a) It shall be an affirmative defense to an action  
10 maintained under this Article IX if the court makes one of the  
11 following findings that the demand for possession is:

12 (1) based solely on the tenant's, lessee's, or  
13 household member's status as a victim of domestic violence  
14 or sexual violence as those terms are defined in Section 10  
15 of the Safe Homes Act, stalking as that term is defined in  
16 the Criminal Code of 1961, or dating violence;

1           (2) based solely upon an incident of actual or  
2           threatened domestic violence, dating violence, stalking,  
3           or sexual violence against a tenant, lessee, or household  
4           member;

5           (3) based solely upon criminal activity directly  
6           relating to domestic violence, dating violence, stalking,  
7           or sexual violence engaged in by a member of a tenant's or  
8           lessee's household or any guest or other person under the  
9           tenant's, lessee's, or household member's control, and  
10           against the tenant, lessee, or household member; or

11           (4) based upon a demand for possession pursuant to  
12           subsection (f) where the tenant, lessee, or household  
13           member who was the victim of domestic violence, sexual  
14           violence, stalking, or dating violence did not knowingly  
15           consent to the barred person entering the premises or a  
16           valid court order permitted the barred person's entry onto  
17           the premises.

18           (b) When asserting the affirmative defense, at least one  
19           form of the following types of evidence shall be provided to  
20           support the affirmative defense: medical, court, or police  
21           records documenting the violence or a statement from an  
22           employee of a victim service organization or from a medical  
23           professional from whom the tenant, lessee, or household member  
24           has sought services.

25           (c) Nothing in subsection (a) shall prevent the landlord  
26           from seeking possession solely against a tenant, household

1 member, or lessee of the premises who perpetrated the violence  
2 referred to in subsection (a).

3 (d) Nothing in subsection (a) shall prevent the landlord  
4 from seeking possession against the entire household,  
5 including the tenant, lessee, or household member who is a  
6 victim of domestic violence, dating violence, stalking, or  
7 sexual violence if the tenant, lessee, or household member's  
8 continued tenancy would pose an actual and imminent threat to  
9 other tenants, lessees, household members, the landlord or  
10 their agents at the property.

11 (e) Nothing in subsection (a) shall prevent the landlord  
12 from seeking possession against the tenant, lessee, or  
13 household member who is a victim of domestic violence, dating  
14 violence, stalking, or sexual violence if that tenant, lessee,  
15 or household member has committed the criminal activity on  
16 which the demand for possession is based.

17 (f) A landlord shall have the power to bar the presence of  
18 a person from the premises owned by the landlord who is not a  
19 tenant or lessee or who is not a member of the tenant's or  
20 lessee's household. A landlord bars a person from the premises  
21 by providing written notice to the tenant or lessee that the  
22 person is no longer allowed on the premises. That notice shall  
23 state that if the tenant invites the barred person onto any  
24 portion of the premises, then the landlord may treat this as a  
25 breach of the lease, whether or not this provision is contained  
26 in the lease. Subject to paragraph (4) of subsection (a), the

1 landlord may evict the tenant.

2 (g) Further, a landlord may give notice to a person that  
3 the person is barred from the premises owned by the landlord. A  
4 person has received notice from the landlord within the meaning  
5 of this subsection if he has been notified personally, either  
6 orally or in writing including a valid court order as defined  
7 by subsection (7) of Section 112A-3 of the Code of Criminal  
8 Procedure of 1963 granting remedy (2) of subsection (b) of  
9 Section 112A-14 of that Code, or if a printed or written notice  
10 forbidding such entry has been conspicuously posted or  
11 exhibited at the main entrance to such land or the forbidden  
12 part thereof. Any person entering the landlord's premises after  
13 such notice has been given shall be guilty of criminal trespass  
14 to real property as set forth in Section 21-3 of the Criminal  
15 Code of 1961. After notice has been given, an invitation to the  
16 person to enter the premises shall be void if made by a tenant,  
17 lessee, or member of the tenant's or lessee's household and  
18 shall not constitute a valid invitation to come upon the  
19 premises or a defense to a criminal trespass to real property.

20 Section 99. Effective date. This Act takes effect upon  
21 becoming law.".