



Rep. Anthony DeLuca

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09600HB6257ham002

LRB096 20819 RLJ 38808 a

1 AMENDMENT TO HOUSE BILL 6257

2 AMENDMENT NO. _____. Amend House Bill 6257, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Code of Civil Procedure is amended by
6 changing Section 9-120 as follows:

7 (735 ILCS 5/9-120)

8 Sec. 9-120. Leased premises used in furtherance of a
9 criminal offense; lease void at option of lessor or assignee.

10 (a) If any lessee or occupant, on one or more occasions,
11 uses or permits the use of leased premises for the commission
12 of any act that would constitute a felony or a Class A
13 misdemeanor under the laws of this State, the lease or rental
14 agreement shall, at the option of the lessor or the lessor's
15 assignee become void, and the owner or lessor shall be entitled
16 to recover possession of the leased premises as against a

1 tenant holding over after the expiration of his or her term.
2 All written leases shall include, as an attachment thereto, the
3 following notice in 14 point bold type: "NOTICE TO TENANT
4 REGARDING CRIMINAL CONDUCT: IF ANY LESSEE OR OCCUPANT, ON ONE
5 OR MORE OCCASIONS, USES OR PERMITS THE USE OF LEASED PREMISES
6 FOR THE COMMISSION OF ANY ACT THAT WOULD CONSTITUTE A FELONY OR
7 A CLASS A MISDEMEANOR UNDER THE LAWS OF THIS STATE, THE LEASE
8 OR RENTAL AGREEMENT SHALL, AT THE OPTION OF THE LESSOR OR THE
9 LESSOR'S ASSIGNEE, BECOME VOID, AND THE OWNER OR LESSOR SHALL
10 BE ENTITLED TO RECOVER POSSESSION OF THE LEASED PREMISES AS
11 AGAINST A TENANT HOLDING OVER AFTER THE EXPIRATION OF HIS OR
12 HER TERM." Further, the notice shall require the lessee to
13 provide a signed and dated acknowledgment that he, she, it, or
14 they have read and understood the contents thereof.

15 (b) The owner or lessor may bring a forcible entry and
16 detainer action, or, if the State's Attorney of the county in
17 which the real property is located or the chief legal officer
18 of the municipality in which the real property is located
19 agrees, assign to that State's Attorney or the chief legal
20 officer the right to bring a forcible entry and detainer action
21 on behalf of the owner or lessor, against the lessee and all
22 occupants of the leased premises. The assignment must be in
23 writing on a form prepared by the State's Attorney of the
24 county in which the real property is located or the chief legal
25 officer of the municipality in which the real property is
26 located, as applicable. If the owner or lessor assigns the

1 right to bring a forcible entry and detainer action, the
2 assignment shall be limited to those rights and duties up to
3 and including delivery of the order of eviction to the sheriff
4 for execution. The owner or lessor shall remain liable for the
5 cost of the eviction whether or not the right to bring the
6 forcible entry and detainer action has been assigned.

7 (c) A person does not forfeit any part of his or her
8 security deposit due solely to an eviction under the provisions
9 of this Section, except that a security deposit may be used to
10 pay fees charged by the sheriff for carrying out an eviction.

11 (d) If a lessor or the lessor's assignee voids a lease or
12 contract under the provisions of this Section and the tenant or
13 occupant has not vacated the premises within 5 days after
14 receipt of a written notice to vacate the premises, the lessor
15 or lessor's assignee may seek relief under this Article IX.
16 Notwithstanding Sections 9-112, 9-113, and 9-114 of this Code,
17 judgment for costs against a plaintiff seeking possession of
18 the premises under this Section shall not be awarded to the
19 defendant unless the action was brought by the plaintiff in bad
20 faith. An action to possess premises under this Section shall
21 not be deemed to be in bad faith when the plaintiff based his
22 or her cause of action on information provided to him or her by
23 a law enforcement agency, ~~or~~ the State's Attorney, or the
24 municipality.

25 (e) After a trial, if the court finds, by a preponderance
26 of the evidence, that the allegations in the complaint have

1 been proven, the court shall enter judgment for possession of
2 the premises in favor of the plaintiff and the court shall
3 order that the plaintiff shall be entitled to re-enter the
4 premises immediately.

5 (f) A judgment for possession of the premises entered in an
6 action brought by a lessor or lessor's assignee, if the action
7 was brought as a result of a lessor or lessor's assignee
8 declaring a lease void pursuant to this Section, may not be
9 stayed for any period in excess of 7 days by the court unless
10 all parties agree to a longer period. Thereafter the plaintiff
11 shall be entitled to re-enter the premises immediately. The
12 sheriff or other lawfully deputized officers shall execute an
13 order entered pursuant to this Section within 7 days of its
14 entry, or within 7 days of the expiration of a stay of
15 judgment, if one is entered.

16 (g) Nothing in this Section shall limit the rights of an
17 owner or lessor to bring a forcible entry and detainer action
18 on the basis of other applicable law.

19 (Source: P.A. 90-360, eff. 1-1-98.)

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