

SB3303



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB3303

Introduced 2/19/2016, by Sen. Chapin Rose

SYNOPSIS AS INTRODUCED:

735 ILCS 5/12-107.5

Amends the Code of Civil Procedure. Provides that if the respondent fails to appear on the date the court conducts an inquiry related to the discharge of a bond, the court may proceed with the inquiry and resolve any questions that arise.

LRB099 18410 HEP 42786 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 12-107.5 as follows:

6 (735 ILCS 5/12-107.5)

7 Sec. 12-107.5. Body attachment order.

8 (a) No order of body attachment or other civil order for
9 the incarceration or detention of a natural person respondent
10 to answer for a charge of indirect civil contempt shall issue
11 unless the respondent has first had an opportunity, after
12 personal service or abode service of notice as provided in
13 Supreme Court Rule 105, to appear in court to show cause why
14 the respondent should not be held in contempt.

15 (b) The notice shall be an order to show cause.

16 (c) Any order issued pursuant to subsection (a) shall
17 expire one year after the date of issue.

18 (d) The first order issued pursuant to subsection (a) and
19 directed to a respondent may be in the nature of a recognizance
20 bond in the sum of no more than \$1,000.

21 (e) Except as provided in subsection (e-5), upon ~~Upon~~
22 discharge of any bond secured by the posting of funds, the
23 funds shall be returned to the respondent or other party

1 posting the bond, less applicable fees, unless the court after
2 inquiry determines that: (1) the judgment debtor willfully has
3 refused to comply with a payment order entered in accordance
4 with Section 2-1402 or an otherwise validly entered order; (2)
5 the bond money belongs to the debtor as opposed to a third
6 party; and (3) that any part of the funds constitute non-exempt
7 funds of the judgment debtor, in which case the court may cause
8 the non-exempt portion of the funds to be paid over to the
9 judgment creditor.

10 (e-5) If the respondent fails to appear on the date the
11 court conducts the inquiry required under subsection (e), the
12 court may proceed with the inquiry and resolve any questions
13 that arise.

14 (f) The requirements or limitations of this Section do not
15 apply to the enforcement of any order or judgment for child
16 support, any order or judgment resulting from an adjudication
17 of a municipal ordinance violation that is subject to Supreme
18 Court Rules 570 through 579, or from an administrative
19 adjudication of such an ordinance violation.

20 (Source: P.A. 97-848, eff. 7-25-12; 98-417, eff. 1-1-14.)