

HB5483



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB5483

by Rep. Will Guzzardi

SYNOPSIS AS INTRODUCED:

735 ILCS 5/2-1602
735 ILCS 5/12-108

from Ch. 110, par. 12-108

Amends the Code of Civil Procedure. Provides that a judgment may be revived by filing a petition to revive the judgment in the fifth year after its entry (instead of the seventh year after its entry, or in the seventh year after its last revival, or in the twentieth year after its entry, or at any other time within 20 years after its entry if the judgment becomes dormant. Changes the limitations period for the enforcement of certain judgments from 7 to 5 years. Effective immediately.

LRB100 20525 HEP 35910 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 Sections 2-1602 and 12-108 as follows:

6 (735 ILCS 5/2-1602)

7 Sec. 2-1602. Revival of judgment.

8 (a) A judgment may be revived by filing a petition to
9 revive the judgment in the fifth ~~seventh~~ year after its entry,
10 ~~or in the seventh year after its last revival, or in the~~
11 ~~twentieth year after its entry, or at any other time within 20~~
12 ~~years after its entry if the judgment becomes dormant~~ and by
13 serving the petition and entering a court order for revival as
14 provided in the following subsections. The provisions of this
15 amendatory Act of the 96th General Assembly (Public Act 96-305)
16 are declarative of existing law.

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

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

1 (d) An order reviving a judgment shall be for the original
2 amount of the judgment. The plaintiff may recover interest and
3 court costs from the date of the original judgment. Credits to
4 the judgment shall be reflected by the plaintiff in
5 supplemental proceedings or execution.

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

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

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

19 (h) If a judgment becomes dormant during the pendency of an
20 enforcement proceeding against wages under Part 14 of this
21 Article or under Article XII, the enforcement may continue to
22 conclusion without revival of the underlying judgment so long
23 as the enforcement is done under court supervision and includes
24 a wage deduction order or turn over order and is against an
25 employer, garnishee, or other third party respondent.

26 (Source: P.A. 98-557, eff. 1-1-14; 99-744, eff. 8-5-16.)

1 (735 ILCS 5/12-108) (from Ch. 110, par. 12-108)

2 Sec. 12-108. Limitation on enforcement.

3 (a) Except as herein provided, no judgment shall be
4 enforced after the expiration of 5 ~~7~~ years from the time the
5 same is rendered, except upon the revival of the same by a
6 proceeding provided by Section 2-1601 of this Act; but real
7 estate, levied upon within the 5 ~~7~~ years, may be sold to
8 enforce the judgment at any time within one year after the
9 expiration of the 5 ~~7~~ years. A judgment recovered in an action
10 for damages for an injury described in Section 13-214.1 may be
11 enforced at any time. Child support judgments, including those
12 arising by operation of law, may be enforced at any time.

13 (b) No judgment shall be enforced against a police officer
14 employed by a municipality if the corporate authority of the
15 municipality files with the clerk of the court in which the
16 judgment was entered a statement certifying: (1) such police
17 officer was employed by the municipality and was within the
18 scope and course of his employment at the time of the
19 occurrence giving rise to the action in which the judgment is
20 entered and (2) the municipality indemnifies the police officer
21 in the amount of the judgment and interest thereon. In such
22 event, the judgment creditor may enforce the judgment against
23 the municipality in the same manner and to the same extent as
24 if the municipality were the judgment debtor.

25 (Source: P.A. 90-18, eff. 7-1-97.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.