

SB3295



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB3295

Introduced 2/15/2018, by Sen. Michael E. Hastings

SYNOPSIS AS INTRODUCED:

735 ILCS 5/1-109

from Ch. 110, par. 1-109

Amends the Code of Civil Procedure regarding a pleading or other document verified by certification. Provides that the pleading or other document may be used in the same manner as though sworn under oath without any further requirement that the document be sworn before an authorized person.

LRB100 18082 JLS 33275 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 1-109 as follows:

6 (735 ILCS 5/1-109) (from Ch. 110, par. 1-109)

7 Sec. 1-109. Verification by certification. Unless
8 otherwise expressly provided by rule of the Supreme Court,
9 whenever in this Code any complaint, petition, answer, reply,
10 bill of particulars, answer to interrogatories, affidavit,
11 return or proof of service, or other document or pleading filed
12 in any court of this State is required or permitted to be
13 verified, or made, sworn to or verified under oath, such
14 requirement or permission is hereby defined to include a
15 certification of such pleading, affidavit or other document
16 under penalty of perjury as provided in this Section.

17 Whenever any such pleading, affidavit or other document is
18 so certified, the several matters stated shall be stated
19 positively or upon information and belief only, according to
20 the fact. The person or persons having knowledge of the matters
21 stated in a pleading, affidavit or other document certified in
22 accordance with this Section shall subscribe to a certification
23 in substantially the following form: Under penalties as

1 provided by law pursuant to Section 1-109 of the Code of Civil
2 Procedure, the undersigned certifies that the statements set
3 forth in this instrument are true and correct, except as to
4 matters therein stated to be on information and belief and as
5 to such matters the undersigned certifies as aforesaid that he
6 verily believes the same to be true.

7 Any pleading, affidavit, or other document certified in
8 accordance with this Section may be used in the same manner and
9 with the same force and effect as though subscribed and sworn
10 to under oath, and there is no further requirement that the
11 pleading, affidavit, or other document be sworn before an
12 authorized person.

13 Any person who makes a false statement, material to the
14 issue or point in question, which he does not believe to be
15 true, in any pleading, affidavit or other document certified by
16 such person in accordance with this Section shall be guilty of
17 a Class 3 felony.

18 (Source: P.A. 83-916.)