



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

**HB4159**

by Rep. Thaddeus Jones

#### SYNOPSIS AS INTRODUCED:

735 ILCS 5/11-301  
735 ILCS 5/11-303

from Ch. 110, par. 11-301  
from Ch. 110, par. 11-303

Amends the Code of Civil Procedure. Provides that the Part of the Code governing injunctive actions relating to the disbursement of public money applies to municipalities.

LRB100 14932 HEP 29758 b

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 11-301 and 11-303 as follows:

6 (735 ILCS 5/11-301) (from Ch. 110, par. 11-301)

7 Sec. 11-301. Who may file action.

8 (a) An action to restrain and enjoin the disbursement of  
9 public funds by any officer or officers of the State government  
10 may be maintained either by the Attorney General or by any  
11 citizen and taxpayer of the State.

12 (b) An action to restrain and enjoin the disbursement of  
13 public funds by any officer or officers of a municipal  
14 government may be maintained either by the Attorney General or  
15 by any citizen and taxpayer of the municipality.

16 (Source: P.A. 82-280.)

17 (735 ILCS 5/11-303) (from Ch. 110, par. 11-303)

18 Sec. 11-303. Action by private citizen. Such action, when  
19 prosecuted by a citizen and taxpayer of the State or  
20 municipality, shall be commenced by petition for leave to file  
21 an action to restrain and enjoin the defendant or defendants  
22 from disbursing the public funds of the State or municipality.

1 Such petition shall have attached thereto a copy of the  
2 complaint, leave to file which is petitioned for. Upon the  
3 filing of such petition, it shall be presented to the court,  
4 and the court shall enter an order stating the date of the  
5 presentation of the petition and fixing a day, which shall not  
6 be less than 5 nor more than 10 days thereafter, when such  
7 petition for leave to file the action will be heard. The court  
8 shall also order the petitioner to give notice in writing to  
9 each defendant named therein and to the Attorney General,  
10 specifying in such notice the fact of the presentation of such  
11 petition and the date and time when the same will be heard.  
12 Such notice shall be served upon the defendants and upon the  
13 Attorney General, as the case may be, at least 5 days before  
14 the hearing of such petition.

15 Upon such hearing, if the court is satisfied that there is  
16 reasonable ground for the filing of such action, the court may  
17 grant the petition and order the complaint to be filed and  
18 process to issue. The court may, in its discretion, grant leave  
19 to file the complaint as to certain items, parts or portions of  
20 any appropriation Act sought to be enjoined and mentioned in  
21 such complaint, and may deny leave as to the rest.

22 (Source: P.A. 82-280.)