



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4968

by Rep. Litesa E. Wallace

SYNOPSIS AS INTRODUCED:

705 ILCS 105/27.2c new
735 ILCS 5/9-121

Amends the Code of Civil Procedure. Provides that upon motion or petition, the court shall order the sealing and impoundment of a court file for an eviction action in which the court does not find that a tenant or an occupant has materially breached the lease. Provides that the records of the circuit court clerk pertaining to a court file that is ordered sealed and impounded shall be impounded until further order of the court upon good cause shown and the name of the petitioner obliterated on the official index required to be kept by the circuit court clerk under the Clerks of Courts Act. Provides that the clerk of the court may not collect a filing fee for a petition filed under the new provisions. Makes a corresponding change in the Clerks of Courts Act.

LRB100 17755 HEP 32931 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 Clerks of Courts Act is amended by adding
5 Section 27.2c as follows:

6 (705 ILCS 105/27.2c new)

7 Sec. 27.2c. Petition to seal eviction court file.
8 Notwithstanding any other provision of law, the clerks of the
9 circuit court shall not collect a filing fee for a petition
10 filed under subsection (d) of Section 9-121 of the Code of
11 Civil Procedure.

12 Section 10. The Code of Civil Procedure is amended by
13 changing Section 9-121 as follows:

14 (735 ILCS 5/9-121)

15 Sec. 9-121. Sealing of court file.

16 (a) Definition. As used in this Section, "court file" means
17 the court file created when an eviction action is filed with
18 the court.

19 (b) Discretionary sealing of court file. The court may
20 order that a court file in an eviction action be placed under
21 seal if the court finds that the plaintiff's action is

1 sufficiently without a basis in fact or law, which may include
2 a lack of jurisdiction, that placing the court file under seal
3 is clearly in the interests of justice, and that those
4 interests are not outweighed by the public's interest in
5 knowing about the record.

6 (c) Mandatory sealing of court file. The court file shall
7 be placed under seal if it is:

8 (1) relating to an eviction action brought against a
9 tenant under Section 9-207.5 of this Code or as set forth
10 in subdivision (h) (6) of Section 15-1701 of this Code; or
11 shall be placed under seal.

12 (2) relating to an eviction action that is required to
13 be sealed under subsection (d).

14 (d) Upon motion or petition, the court shall order the
15 sealing and impoundment of a court file for an eviction action
16 in which the court does not find that a tenant or an occupant
17 has materially breached the lease. The records of the circuit
18 court clerk pertaining to a court file that is ordered sealed
19 and impounded under this subsection shall be impounded until
20 further order of the court upon good cause shown and the name
21 of the petitioner obliterated on the official index required to
22 be kept by the circuit court clerk under Section 16 of the
23 Clerks of Courts Act. The clerk of the court may not collect a
24 filing fee for a petition filed under this subsection.

25 (Source: P.A. 100-173, eff. 1-1-18.)