

SB1527



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB1527

Introduced 2/15/2019, by Sen. Laura Fine

SYNOPSIS AS INTRODUCED:

735 ILCS 30/10-5-5

was 735 ILCS 5/7-101

Amends the Eminent Domain Act. Provides that, with specified exceptions, if either party in the condemnation action demands a trial by jury, the condemning authority shall not be granted title or possession and the owner shall not be restrained from denying access to the property until the jury ascertains compensation.

LRB101 09597 LNS 54695 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 Eminent Domain Act is amended by changing
5 Section 10-5-5 as follows:

6 (735 ILCS 30/10-5-5) (was 735 ILCS 5/7-101)

7 Sec. 10-5-5. Compensation; jury.

8 (a) Private property shall not be taken or damaged for
9 public use without just compensation and, in all cases in which
10 compensation is not made by the condemning authority,
11 compensation shall be ascertained by a jury, as provided in
12 this Act. When compensation is so made by the condemning
13 authority, any party, upon application, may have a trial by
14 jury to ascertain the just compensation to be paid. A demand on
15 the part of the condemning authority for a trial by jury shall
16 be filed with the complaint for condemnation of the condemning
17 authority. When the condemning authority is plaintiff, a
18 defendant desirous of a trial by jury must file a demand for a
19 trial by jury on or before the return date of the summons
20 served on him or her or on or before the date fixed in the
21 publication in case of defendants served by publication. If no
22 party in the condemnation action demands a trial by jury, as
23 provided for by this Section, then the trial shall be before

1 the court without a jury. Except as provided in Article 20 or
2 25 of this Act, if either party in the condemnation action
3 demands a trial by jury under this Section, the condemning
4 authority shall not be granted title or possession and the
5 owner shall not be restrained from denying access to the
6 property until the jury ascertains compensation.

7 (b) The right to just compensation, as provided in this
8 Act, applies to the owner or owners of any lawfully erected
9 off-premises outdoor advertising sign that is compelled to be
10 altered or removed under this Act or any other statute, or
11 under any ordinance or regulation of any municipality or other
12 unit of local government, and also applies to the owner or
13 owners of the property on which that sign is erected. The right
14 to just compensation, as provided in this Act, applies to
15 property subject to a conservation right under the Real
16 Property Conservation Rights Act. The amount of compensation
17 for the taking of the property shall not be diminished or
18 reduced by virtue of the existence of the conservation right.
19 The holder of the conservation right shall be entitled to just
20 compensation for the value of the conservation right.

21 (Source: P.A. 94-1055, eff. 1-1-07.)