



Rep. La Shawn K. Ford

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10300HB1569ham001

LRB103 05936 LNS 58345 a

1 AMENDMENT TO HOUSE BILL 1569

2 AMENDMENT NO. _____. Amend House Bill 1569 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Code of Civil Procedure is amended by
5 changing Section 9-121 and by adding Section 9-123 as follows:

6 (735 ILCS 5/9-121)

7 Sec. 9-121. Impounding ~~Sealing~~ of court file.

8 (a) ~~Definition.~~ As used in this Section: 7

9 "Court ~~court~~ file" means the court file created when an
10 eviction action is filed with the court.

11 "Impound" and "impoundment" have the same meaning as
12 "impounded" under Illinois Supreme Court Rule 8, as now or
13 hereafter amended.

14 "Seal" and "sealing", as previously used in this Act, have
15 the same meaning as "impounded" under Illinois Supreme Court
16 Rule 8, as now or hereafter amended.

1 (b) Discretionary sealing of court file. The court may
2 order that a court file in an eviction action be placed under
3 seal if the court finds that the plaintiff's action is
4 sufficiently without a basis in fact or law, which may include
5 a lack of jurisdiction, that placing the court file under seal
6 is clearly in the interests of justice, or ~~and~~ that the
7 interests of justice ~~those interests~~ are not outweighed by the
8 public's interest in knowing about the record.

9 (c) Mandatory impoundment ~~sealing~~ of court file. The court
10 file relating to an eviction action brought against a tenant
11 under Section 9-207.5 of this Code or as set forth in
12 subdivision (h)(6) of Section 15-1701 of this Code shall be
13 impounded ~~placed under seal~~.

14 (d) In any residential eviction filed 7 or more years
15 prior to the effective date of this amendatory Act of the 103rd
16 General Assembly, the court shall order the court file
17 impounded regardless of the disposition of the case.
18 Thereafter, the court shall undertake a yearly review of all
19 eviction court files and order the court file impounded if the
20 case was filed 7 years prior to that review regardless of the
21 disposition of the case. This Section is operative on and
22 after August 1, 2022.

23 (e) Except as provided in subsection (g), any person who
24 disseminates a sealed or impounded court file under this
25 Section, or the information contained therein, for commercial
26 purposes shall be liable for a civil penalty of \$2,000 or twice

1 the actual and consequential damages sustained, whichever is
2 greater, as well as the costs of the action, including
3 reasonable attorney's fees. A landlord providing or receiving
4 an individual reference about a prospective tenant is not
5 considered a commercial purpose and is not subject to the
6 penalty identified in this subsection.

7 (f) The Attorney General may enforce a violation of this
8 Section as an unlawful practice under the Consumer Fraud and
9 Deceptive Business Practices Act. All remedies, penalties, and
10 authority granted to the Attorney General by the Consumer
11 Fraud and Deceptive Business Practices Act shall be available
12 to the Attorney General for the enforcement of this Section.

13 (g) Nothing in this Section prohibits a landlord from
14 receiving a reference from a previous landlord of a
15 prospective tenant. Nothing in this Section prohibits a
16 landlord from providing a reference for a previous or current
17 tenant to a prospective landlord of that tenant.

18 (Source: P.A. 102-5, eff. 5-17-21.)

19 (735 ILCS 5/9-123 new)

20 Sec. 9-123. Notice and dismissal for failure to prosecute
21 after 365 days.

22 (a) If, at any time after the filing of an eviction action,
23 the plaintiff has not further prosecuted the case for a period
24 of 365 days, the court shall send to the parties written
25 notice:

1 (1) informing the parties of the date of the most
2 recent action taken by the plaintiff in the case; and

3 (2) directing the plaintiff to take one of the
4 following actions not later than 10 business days after
5 the date of the notice:

6 (A) further prosecute the case; or

7 (B) dismiss the case.

8 (b) If the plaintiff fails to take an action described in
9 paragraph (2) of subsection (a) within the time prescribed by
10 paragraph (2) of subsection (a):

11 (1) the defendant in the eviction action may file a
12 motion with the court to dismiss the case; or

13 (2) the court, on the court's own motion, may dismiss
14 the case.

15 If the court dismisses the case under this subsection on
16 or after the effective date of this amendatory Act of the 103rd
17 General Assembly, the court, in conjunction with its order of
18 dismissal, shall issue an order impounding the court file in
19 accordance with paragraph (2) of subsection (b) of Section
20 9-121 without further motion of the defendant.

21 (c) The form of the notice described in subsection (a) may
22 be developed by each judicial circuit in accordance with its
23 practice or the Administrative Office of the Illinois Courts
24 may develop a standardized form.

25 (d) A judicial circuit, in its discretionary control over
26 its records, may adopt a rule to follow this procedure in a

1 shorter amount of time than 365 days.

2 Section 10. The Consumer Fraud and Deceptive Business
3 Practices Act is amended by adding Section 2z.6 as follows:

4 (815 ILCS 505/2z.6 new)

5 Sec. 2z.6. Dissemination of a sealed or impounded court
6 file. A private entity or person that violates Section 9-121
7 of the Code of Civil Procedure commits an unlawful practice
8 within the meaning of this Act."