

SB0239



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB0239

Introduced 1/31/2023, by Sen. Jil Tracy

SYNOPSIS AS INTRODUCED:

735 ILCS 5/2-1115

from Ch. 110, par. 2-1115

Amends the Code of Civil Procedure. Provides that the prohibition on the recovery of punitive damages in a legal malpractice action includes damages sought as compensatory damages which were assessed against the legal malpractice plaintiff or failed to be obtained by the legal malpractice plaintiff.

LRB103 26315 LNS 52676 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 2-1115 as follows:

6 (735 ILCS 5/2-1115) (from Ch. 110, par. 2-1115)

7 Sec. 2-1115. Punitive damages not recoverable in healing
8 art and legal malpractice cases. In all cases, whether in
9 tort, contract or otherwise, in which the plaintiff seeks
10 damages by reason of legal, medical, hospital, or other
11 healing art malpractice, no punitive, exemplary, vindictive or
12 aggravated damages shall be allowed. This prohibition on the
13 recovery of punitive damages in a legal malpractice action
14 includes damages sought as compensatory damages which were
15 assessed against the legal malpractice plaintiff or failed to
16 be obtained by the legal malpractice plaintiff.

17 (Source: P.A. 84-7.)