



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

SB0242

Introduced 1/31/2023, by Sen. Karina Villa

#### SYNOPSIS AS INTRODUCED:

735 ILCS 5/9-121  
735 ILCS 5/9-123 new  
815 ILCS 505/2z.6 new

Amends the Eviction Article of the Code of Civil Procedure. Repeals language regarding the discretionary sealing of court files and the mandatory sealing of court files. Requires the court to automatically order the impounding of any court file in a residential eviction action when: the parties agree to impound the court file; the court dismisses the case; either party files a satisfaction of judgment; the court enters judgment in favor of the tenant; or the court enters an eviction order against the tenant, but the complaint does not allege a material violation of the lease. Requires the court to order the impounding of any court file in a residential eviction action if the interests of justice in impounding the court file outweigh the public interest in maintaining a public record. Requires court files relating to the termination of bona fide leases in residential real estate in foreclosure and the right to possession to be impounded or placed under seal. Sets forth impounding requirements for residential eviction cases initiated prior to the effective date of the amendatory Act. Allows a scholarly, public policy, or court reform agency or educational, journalistic, or governmental body to access all impounded files. Provides that any person who disseminates a sealed or impounded court file is liable for a civil penalty of \$2,000 or twice the actual and consequential damages, whichever is greater. Allows the Attorney General to enforce a violation of the provisions under the Consumer Fraud and Deceptive Business Practices Act. Sets forth notice requirements for the court when a plaintiff has not further prosecuted an eviction action for a period of 180 days. Allows for the dismissal of such a case if the plaintiff fails to take further action after such notice is received. Makes a conforming change in the Consumer Fraud and Deceptive Business Practices Act.

LRB103 05937 LNS 50958 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 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" or "impoundment" means a document or case that  
12 is accessible only to the parties of record on a case;  
13 otherwise, the document or case is only accessible upon order  
14 of court, except that the file is also accessible as provided  
15 in subsection (g).

16 (b) Without the necessity of motion, the court shall  
17 automatically order the impounding of any court file in a  
18 residential eviction action pending or initiated after the  
19 effective date of this amendatory Act of the 103rd General  
20 Assembly when:

21 (1) the parties to the eviction action agree to  
22 impound the court file;

23 (2) the court dismisses the case with or without

1       prejudice;

2           (3) either party files a satisfaction of judgment;

3           (4) the court enters judgment in favor of the tenant;

4       or

5           (5) the court enters an eviction order against the  
6       tenant, but the complaint does not allege a material  
7       violation of the lease. ~~Discretionary sealing of court~~  
8       file. The court may order that a court file in an eviction  
9       action be placed under seal if the court finds that the  
10       plaintiff's action is sufficiently without a basis in fact  
11       or law, which may include a lack of jurisdiction, that  
12       placing the court file under seal is clearly in the  
13       interests of justice, and that those interests are not  
14       outweighed by the public's interest in knowing about the  
15       record.

16       (c) The court shall order the impounding of any court file  
17       in a residential eviction action pending or initiated after  
18       the effective date of this amendatory Act of the 103rd General  
19       Assembly if, upon oral or written motion by either party or by  
20       the court's own motion, the interests of justice in impounding  
21       the court file outweigh the public interest in maintaining a  
22       public record. ~~Mandatory sealing of court file. The court file~~  
23       relating to an eviction action brought against a tenant under  
24       Section 9-207.5 of this Code or as set forth in subdivision  
25       (h)(6) of Section 15-1701 of this Code shall be placed under  
26       seal.

1           (d) The court file relating to an eviction action brought  
2 against a tenant under Section 9-207.5 or as set forth in  
3 paragraph (6) of subsection (h) of Section 15-1701 shall be  
4 impounded or placed under seal. This Section is operative on  
5 and after August 1, 2022.

6           (e) For any residential eviction case initiated 7 or more  
7 years prior to the effective date of this amendatory Act of the  
8 103rd General Assembly, the court shall impound the court file  
9 regardless of the disposition of the case. Thereafter, the  
10 court shall impound the court file if the case was initiated 7  
11 years prior regardless of the disposition of the case.

12           (f) For any residential eviction case filed less than 7  
13 years before the effective date of this amendatory Act of the  
14 103rd General Assembly, either party may file a motion to  
15 impound the court file. The court shall impound the court file  
16 according to the standards of impounding established in  
17 subsections (b) and (c).

18           (g) A scholarly, public policy, or court reform agency or  
19 educational, journalistic, or governmental body may access all  
20 impounded files by filing a motion for individual cases or for  
21 a class of cases with the judge presiding over evictions in  
22 that judicial district or county. The presiding judge shall  
23 grant the motion and enter an order of the court to that effect  
24 upon a showing of scholarly, educational, public policy, court  
25 reform, journalistic, or governmental credential and purpose.  
26 Identifying information of the parties shall remain impounded,

1 unless the court determines that release of the information is  
2 necessary to fulfill the purpose of the request and the  
3 interests of justice so dictate. Nothing in this subsection  
4 shall permit the release of an impounded court file or the  
5 information contained therein for a commercial purpose. The  
6 public policy agency may include a legal aid provider;  
7 however, the file shall be used only for its public policy  
8 purposes.

9 (h) Except as provided in subsections (g) and (j), any  
10 person who disseminates a sealed or impounded court file under  
11 this Section, or the information contained therein, for  
12 commercial purposes shall be liable for a civil penalty of  
13 \$2,000 or twice the actual and consequential damages  
14 sustained, whichever is greater, as well as the costs of the  
15 action, including reasonable attorney's fees.

16 (i) The Attorney General may enforce a violation of this  
17 Section as an unlawful practice under the Consumer Fraud and  
18 Deceptive Business Practices Act. All remedies, penalties, and  
19 authority granted to the Attorney General by the Consumer  
20 Fraud and Deceptive Business Practices Act shall be available  
21 to the Attorney General for the enforcement of this Section.

22 (j) Nothing in this Section prohibits a landlord from  
23 receiving a reference from a previous landlord of a  
24 prospective tenant. Nothing in this Section prohibits a  
25 landlord from providing a reference for a previous or current  
26 tenant to a prospective landlord of that tenant.

1       (k) A tenant is not required to report a court record that  
2       is sealed or impounded to a prospective landlord.

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

4               (735 ILCS 5/9-123 new)

5       Sec. 9-123. Notice and dismissal for failure to prosecute  
6       after 180 days.

7       (a) If, at any time after the filing of an eviction action,  
8       the plaintiff has not further prosecuted the case for a period  
9       of 180 days, the court shall send to the parties written  
10       notice:

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

13               (2) directing the plaintiff to take one of the  
14               following actions not later than 10 business days after  
15               the date of the notice:

16                       (A) further prosecute the case; or

17                       (B) dismiss the case.

18       (b) If the plaintiff fails to take an action described in  
19       paragraph (2) of subsection (a) within the time prescribed by  
20       paragraph (2) of subsection (a):

21               (1) the defendant in the eviction action may petition  
22               the court to dismiss the case; or

23               (2) the court, on the court's own motion, may dismiss  
24               the case.

25       If the court dismisses the case under this subsection on

1 or after the effective date of this amendatory Act of the 103rd  
2 General Assembly, the court, in conjunction with its order of  
3 dismissal, shall issue an order impounding the court file in  
4 accordance with paragraph (2) of subsection (b) of Section  
5 9-121 without further motion of the defendant.

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

8 (815 ILCS 505/2z.6 new)

9 Sec. 2z.6. Dissemination of a sealed or impounded court  
10 file. A private entity or person who violates Section 9-121 of  
11 the Code of Civil Procedure commits an unlawful practice  
12 within the meaning of this Act.