



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1748

Introduced 2/9/2023, by Sen. Michael W. Halpin

SYNOPSIS AS INTRODUCED:

735 ILCS 5/2-1003
735 ILCS 5/2-1007.1

from Ch. 110, par. 2-1003
from Ch. 110, par. 2-1007.1

Amends the Code of Civil Procedure. Provides that a plaintiff has the right to designate an additional person to be present and video record an examination conducted as part of discovery. Provides that, in the case of a wrongful death action, a surviving spouse or next of kin who has reached the age of 67 years (rather than 70 years) shall, upon motion by the administrator of the estate of the deceased person or special administrator, be entitled to preference in setting for trial. Provides that the trial shall occur within one year of the hearing on the motion. Provides that the changes apply to actions commenced or pending on or after the effective date of this amendatory Act. Effective immediately.

LRB103 24900 LNS 51234 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 Sections 2-1003 and 2-1007.1 as follows:

6 (735 ILCS 5/2-1003) (from Ch. 110, par. 2-1003)

7 Sec. 2-1003. Discovery and depositions.

8 (a) Discovery, such as admissions of fact and of
9 genuineness of documents, physical and mental examinations of
10 parties and other persons, the taking of any depositions, and
11 interrogatories, shall be in accordance with rules.

12 (b) (Blank).

13 (c) (Blank).

14 (d) Whenever the defendant in any litigation in this State
15 has the right to demand a physical or mental examination of the
16 plaintiff pursuant to statute or Supreme Court Rule, relative
17 to the occurrence and extent of injuries or damages for which
18 claim is made, or in connection with the plaintiff's capacity
19 to exercise any right plaintiff has, or would have but for a
20 finding based upon such examination, the plaintiff has the
21 right to have his or her attorney, or such other person as the
22 plaintiff may wish, present at such physical or mental
23 examination. The plaintiff also has the right to designate an

1 additional person to be present and video record the
2 examination. The changes to this Section by this amendatory
3 Act of the 103rd General Assembly apply to actions commenced
4 or pending on or after the effective date of this amendatory
5 Act of the 103rd General Assembly.

6 (e) No person or organization shall be required to furnish
7 claims, loss or risk management information held or provided
8 by an insurer, which information is described in Section
9 143.10a of the "Illinois Insurance Code".

10 (Source: P.A. 99-110, eff. 1-1-16.)

11 (735 ILCS 5/2-1007.1) (from Ch. 110, par. 2-1007.1)

12 Sec. 2-1007.1. Preference in setting for trial. (a) A
13 party who is an individual or, in the case of a wrongful death
14 action, the surviving spouse or next of kin and has reached the
15 age of 67 ~~70~~ years shall, upon motion by that party or the
16 administrator of the estate of the deceased person or special
17 administrator, be entitled to preference in setting for trial,
18 which shall occur within one year of the hearing on the motion,
19 unless the court finds that the party does not have a
20 substantial interest in the case as a whole.

21 (b) The court shall ~~may, in its discretion,~~ grant a motion
22 for preference in setting for trial where a party or, in the
23 case of a wrongful death action, the surviving spouse or next
24 of kin shows substantial physical or financial hardship or
25 alternatively shows good cause that the interests of justice

1 will be served by granting a preference in setting for trial
2 within one year of the hearing on the motion.

3 (c) The changes to this Section by this amendatory Act of
4 the 103rd General Assembly apply to actions commenced or
5 pending on or after the effective date of this amendatory Act
6 of the 103rd General Assembly.

7 (Source: P.A. 86-854.)

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.