

1 AN ACT concerning civil practice.

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 adding Section 2-1012 as follows:

6 (735 ILCS 5/2-1012 new)

7 Sec. 2-1012. Frivolous, bad faith, and improper actions;
8 sanctions.

9 (a) If the court determines that an action is frivolous,
10 was not commenced in good faith, is not being prosecuted or
11 defended in good faith, was commenced for an improper
12 purpose, such as to harass or to cause unnecessary delay or
13 needless cost of litigation, or is being prosecuted or
14 defended for an improper purpose, then the court may impose a
15 sanction under this Section on the responsible party, his or
16 her attorney, or both. An action is frivolous if it is not
17 reasonably well grounded in fact or not warranted by existing
18 law or a good-faith argument for the extension, modification,
19 or reversal of existing law.

20 (b) The sanction under this Section is that the court,
21 in its discretion, may order the responsible party, his or
22 her attorney, or both to pay the State, the county, or both
23 amounts reasonably calculated to reimburse the State, the
24 county, or both for the costs of processing the action and
25 providing personnel and facilities in connection with the
26 action, including without limitation salaries of judges and
27 other personnel and all other expenses associated with the
28 action.

29 (c) This Section is intended to deter frivolous, bad
30 faith, and improper actions and to punish those responsible.
31 This Section shall be enforced by the court in any reasonable

1 manner to accomplish those purposes.