

1 AN ACT concerning civil procedure.

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 9-118 as follows:

6 (735 ILCS 5/9-118) (from Ch. 110, par. 9-118)  
7 Sec. 9-118. Emergency housing eviction proceedings.

8 (a) As used in this Section:

9 "Cannabis" has the meaning ascribed to that term in the  
10 Cannabis Control Act.

11 "Narcotics" and "controlled substance" have the meanings  
12 ascribed to those terms in the Illinois Controlled Substances  
13 Act.

14 (b) This Section applies only if all of the following  
15 conditions are met:

16 (1) The complaint seeks possession of premises used  
17 for residential or commercial purposes ~~that-are-owned--or~~  
18 ~~managed--by--a--housing--authority--established-under-the~~  
19 ~~Housing-Authorities-Act-or-privately-owned-and-managed.~~

20 (2) The verified complaint alleges that there is  
21 direct evidence of any of the following:

22 (A) unlawful possessing, serving, storing,  
23 manufacturing, cultivating, delivering, using,  
24 selling, giving away, or trafficking in cannabis,  
25 narcotics, or controlled substances within or upon  
26 the premises by or with the knowledge and consent  
27 of, or in concert with the person or persons named  
28 in the complaint; or

29 (B) the possession, use, sale, or delivery of  
30 a firearm which is otherwise prohibited by State law  
31 within or upon the premises by or with the knowledge

1 and consent of, or in concert with, the person or  
2 persons named in the complaint; or

3 (C) murder, attempted murder, kidnapping,  
4 attempted kidnapping, arson, attempted arson,  
5 aggravated battery, criminal sexual assault,  
6 attempted criminal sexual assault, aggravated  
7 criminal sexual assault, predatory criminal sexual  
8 assault of a child, or criminal sexual abuse within  
9 or upon the premises by or with the knowledge and  
10 consent of, or in concert with, the person or  
11 persons named in the complaint.

12 (3) Notice by verified complaint setting forth the  
13 relevant facts, and a demand for possession of the type  
14 specified in Section 9-104 is served on the tenant or  
15 occupant of the premises at least 14 days before a  
16 hearing on the complaint is held, and proof of service of  
17 the complaint is submitted by the plaintiff to the court.

18 (b-5) In all actions brought under this Section 9-118,  
19 no predicate notice of termination or demand for possession  
20 shall be required to initiate an eviction action.

21 (c) When a complaint has been filed under this Section,  
22 a hearing on the complaint shall be scheduled on any day  
23 after the expiration of 14 days following the filing of the  
24 complaint. The summons shall advise the defendant that a  
25 hearing on the complaint shall be held at the specified date  
26 and time, and that the defendant should be prepared to  
27 present any evidence on his or her behalf at that time.

28 If a plaintiff ~~which--is--a--public--housing--authority~~  
29 accepts rent from the defendant after an action is initiated  
30 under this Section, the acceptance of rent shall not be a  
31 cause for dismissal of the complaint.

32 (d) If the defendant does not appear at the hearing,  
33 judgment for possession of the premises in favor of the  
34 plaintiff shall be entered by default. If the defendant

1 appears, a trial shall be held immediately as is prescribed  
2 in other proceedings for possession. The matter shall not be  
3 continued beyond 7 days from the date set for the first  
4 hearing on the complaint except by agreement of both the  
5 plaintiff and the defendant. After a trial, if the court  
6 finds, by a preponderance of the evidence, that the  
7 allegations in the complaint have been proven, the court  
8 shall enter judgment for possession of the premises in favor  
9 of the plaintiff and the court shall order that the plaintiff  
10 shall be entitled to re-enter the premises immediately.

11 (d-5) If cannabis, narcotics, or controlled substances  
12 are found or used anywhere in the premises, there is a  
13 rebuttable presumption either (1) that the cannabis,  
14 narcotics, or controlled substances were used or possessed by  
15 a tenant or occupant or (2) that a tenant or occupant  
16 permitted the premises to be used for that use or possession,  
17 and knew or should have reasonably known that the substance  
18 was used or possessed.

19 (e) A judgment for possession entered under this Section  
20 may not be stayed for any period in excess of 7 days by the  
21 court. Thereafter the plaintiff shall be entitled to  
22 re-enter the premises immediately. The sheriff or other  
23 lawfully deputized officers shall give priority to service  
24 and execution of orders entered under this Section over other  
25 possession orders.

26 (f) This Section shall not be construed to prohibit the  
27 use or possession of cannabis, narcotics, or a controlled  
28 substance that has been legally obtained in accordance with a  
29 valid prescription for the personal use of a person who is  
30 lawfully on the residential or commercial premises lawful  
31 occupant-of-a-dwelling-unit.

32 (Source: P.A. 90-557, eff. 6-1-98; 90-768, eff. 8-14-98;  
33 91-504, eff. 8-13-99.)