

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.)