



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
HB3993

Introduced 1/7/2004, by Monique D. Davis

SYNOPSIS AS INTRODUCED:

735 ILCS 5/4-101

from Ch. 110, par. 4-101

Amends the Code of Civil Procedure. Provides that the Attorney General may have an attachment against the property of a person referred to the Department of Corrections under the specified Section of the Unified Code of Corrections only if the debtor's total assets exceed \$100,000. Excludes the primary residence and primary vehicle of the debtor from the calculation of total assets.

LRB093 15172 LCB 40768 b

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 4-101 as follows:

6 (735 ILCS 5/4-101) (from Ch. 110, par. 4-101)

7 Sec. 4-101. Cause. In any court having competent
8 jurisdiction, a creditor having a money claim, whether
9 liquidated or unliquidated, and whether sounding in contract or
10 tort, or based upon a statutory cause of action created by law
11 in favor of the People of the State of Illinois, or any agency
12 of the State, may have an attachment against the property of
13 his or her debtor, or that of any one or more of several
14 debtors, either at the time of commencement of the action or
15 thereafter, when the claim exceeds \$20, in any one of the
16 following cases:

17 1. Where the debtor is not a resident of this State.

18 2. When the debtor conceals himself or herself or
19 stands in defiance of an officer, so that process cannot be
20 served upon him or her.

21 3. Where the debtor has departed from this State with
22 the intention of having his or her effects removed from
23 this State.

24 4. Where the debtor is about to depart from this State
25 with the intention of having his or her effects removed
26 from this State.

27 5. Where the debtor is about to remove his or her
28 property from this State to the injury of such creditor.

29 6. Where the debtor has within 2 years preceding the
30 filing of the affidavit required, fraudulently conveyed or
31 assigned his or her effects, or a part thereof, so as to
32 hinder or delay his or her creditors.

1 7. Where the debtor has, within 2 years prior to the
2 filing of such affidavit, fraudulently concealed or
3 disposed of his or her property so as to hinder or delay
4 his or her creditors.

5 8. Where the debtor is about fraudulently to conceal,
6 assign, or otherwise dispose of his or her property or
7 effects, so as to hinder or delay his or her creditors.

8 9. Where the debt sued for was fraudulently contracted
9 on the part of the debtor. The statements of the debtor,
10 his or her agent or attorney, which constitute the fraud,
11 shall have been reduced to writing, and his or her
12 signature attached thereto, by himself or herself, agent or
13 attorney.

14 10. When the debtor is a person convicted of first
15 degree murder, a Class X felony, or aggravated kidnapping,
16 or found not guilty by reason of insanity or guilty but
17 mentally ill of first degree murder, a Class X felony, or
18 aggravated kidnapping, against the creditor and that crime
19 makes the creditor a "victim" under the Criminal Victims'
20 Asset Discovery Act.

21 11. When the debtor is referred by the Department of
22 Corrections to the Attorney General under Section 3-7-6 of
23 the Unified Code of Corrections to recover the expenses
24 incurred as a result of that debtor's cost of
25 incarceration. The Attorney General may have an attachment
26 only if the debtor's total assets exceed \$100,000. The
27 primary residence and primary vehicle of the debtor, may
28 not be included in the calculation of total assets.

29 (Source: P.A. 93-508, eff. 1-1-04.)