



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**SB0243**

Introduced 2/2/2005, by Sen. Kirk W. Dillard

**SYNOPSIS AS INTRODUCED:**

735 ILCS 5/2-1115

from Ch. 110, par. 2-1115

Amends the Code of Civil Procedure. Provides that any judgment or award of non-economic damages in healing art and legal malpractice cases in excess of 100% of the economic damages shall be presumed punitive, exemplary, vindictive, or aggravated in violation of this prohibition and of public policy.

LRB094 07474 LCB 37637 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 2-1115 as follows:

6 (735 ILCS 5/2-1115) (from Ch. 110, par. 2-1115)

7 Sec. 2-1115. Punitive damages not recoverable in healing  
8 art and legal malpractice cases. In all cases, whether in tort,  
9 contract or otherwise, in which the plaintiff seeks damages by  
10 reason of legal, medical, hospital, or other healing art  
11 malpractice, no punitive, exemplary, vindictive or aggravated  
12 damages shall be allowed.

13 Any judgment or award of non-economic damages in excess of  
14 100% of the economic damages shall be presumed punitive,  
15 exemplary, vindictive, or aggravated in violation of this  
16 prohibition and of public policy.

17 (Source: P.A. 84-7.)