

1 AN ACT concerning civil law.

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 adding  
5 Section 9-106.2 as follows:

6 (735 ILCS 5/9-106.2 new)

7 Sec. 9-106.2. Affirmative defense for violence; barring  
8 persons from property.

9 (a) It shall be an affirmative defense to an action  
10 maintained under this Article IX if the court makes one of the  
11 following findings that the demand for possession is:

12 (1) based solely on the tenant's, lessee's, or  
13 household member's status as a victim of domestic violence  
14 or sexual violence as those terms are defined in Section 10  
15 of the Safe Homes Act, stalking as that term is defined in  
16 the Criminal Code of 1961, or dating violence;

17 (2) based solely upon an incident of actual or  
18 threatened domestic violence, dating violence, stalking,  
19 or sexual violence against a tenant, lessee, or household  
20 member;

21 (3) based solely upon criminal activity directly  
22 relating to domestic violence, dating violence, stalking,  
23 or sexual violence engaged in by a member of a tenant's or

1 lessee's household or any guest or other person under the  
2 tenant's, lessee's, or household member's control, and  
3 against the tenant, lessee, or household member; or

4 (4) based upon a demand for possession pursuant to  
5 subsection (f) where the tenant, lessee, or household  
6 member who was the victim of domestic violence, sexual  
7 violence, stalking, or dating violence did not knowingly  
8 consent to the barred person entering the premises or a  
9 valid court order permitted the barred person's entry onto  
10 the premises.

11 (b) When asserting the affirmative defense, at least one  
12 form of the following types of evidence shall be provided to  
13 support the affirmative defense: medical, court, or police  
14 records documenting the violence or a statement from an  
15 employee of a victim service organization or from a medical  
16 professional from whom the tenant, lessee, or household member  
17 has sought services.

18 (c) Nothing in subsection (a) shall prevent the landlord  
19 from seeking possession solely against a tenant, household  
20 member, or lessee of the premises who perpetrated the violence  
21 referred to in subsection (a).

22 (d) Nothing in subsection (a) shall prevent the landlord  
23 from seeking possession against the entire household,  
24 including the tenant, lessee, or household member who is a  
25 victim of domestic violence, dating violence, stalking, or  
26 sexual violence if the tenant, lessee, or household member's

1 continued tenancy would pose an actual and imminent threat to  
2 other tenants, lessees, household members, the landlord or  
3 their agents at the property.

4 (e) Nothing in subsection (a) shall prevent the landlord  
5 from seeking possession against the tenant, lessee, or  
6 household member who is a victim of domestic violence, dating  
7 violence, stalking, or sexual violence if that tenant, lessee,  
8 or household member has committed the criminal activity on  
9 which the demand for possession is based.

10 (f) A landlord shall have the power to bar the presence of  
11 a person from the premises owned by the landlord who is not a  
12 tenant or lessee or who is not a member of the tenant's or  
13 lessee's household. A landlord bars a person from the premises  
14 by providing written notice to the tenant or lessee that the  
15 person is no longer allowed on the premises. That notice shall  
16 state that if the tenant invites the barred person onto any  
17 portion of the premises, then the landlord may treat this as a  
18 breach of the lease, whether or not this provision is contained  
19 in the lease. Subject to paragraph (4) of subsection (a), the  
20 landlord may evict the tenant.

21 (g) Further, a landlord may give notice to a person that  
22 the person is barred from the premises owned by the landlord. A  
23 person has received notice from the landlord within the meaning  
24 of this subsection if he has been notified personally, either  
25 orally or in writing including a valid court order as defined  
26 by subsection (7) of Section 112A-3 of the Code of Criminal

1 Procedure of 1963 granting remedy (2) of subsection (b) of  
2 Section 112A-14 of that Code, or if a printed or written notice  
3 forbidding such entry has been conspicuously posted or  
4 exhibited at the main entrance to such land or the forbidden  
5 part thereof. Any person entering the landlord's premises after  
6 such notice has been given shall be guilty of criminal trespass  
7 to real property as set forth in Section 21-3 of the Criminal  
8 Code of 1961. After notice has been given, an invitation to the  
9 person to enter the premises shall be void if made by a tenant,  
10 lessee, or member of the tenant's or lessee's household and  
11 shall not constitute a valid invitation to come upon the  
12 premises or a defense to a criminal trespass to real property.

13 Section 99. Effective date. This Act takes effect upon  
14 becoming law.