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09600HB6257ham001

LRB096 20819 RLJ 38497 a

1 AMENDMENT TO HOUSE BILL 6257

2 AMENDMENT NO. _____. Amend House Bill 6257 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Code of Civil Procedure is amended by
5 changing Section 9-120 as follows:

6 (735 ILCS 5/9-120)

7 Sec. 9-120. Leased premises used in furtherance of a
8 criminal offense; lease void at option of lessor or assignee.

9 (a) If any lessee or occupant, on one or more occasions,
10 uses or permits the use of leased premises for the commission
11 of any act that would constitute a felony or a Class A
12 misdemeanor under the laws of this State, the lease or rental
13 agreement shall, at the option of the lessor or the lessor's
14 assignee become void, and the owner or lessor shall be entitled
15 to recover possession of the leased premises as against a
16 tenant holding over after the expiration of his or her term. A

1 written lease shall contain language that the commission of any
2 act by the lessee, occupant, household member of the lessee or
3 occupant, or guest of the lessee or occupant that would
4 constitute a felony or a Class A misdemeanor under the laws of
5 this State shall give the owner or lessor the right to void the
6 lease and recover possession of the leased premises. Failure to
7 include this language in a lease or if the lease is oral shall
8 not waive or impair the rights of the lessor or lessor's
9 assignee under this Section or the lease.

10 (b) The owner or lessor may bring a forcible entry and
11 detainer action, or, if the State's Attorney of the county in
12 which the real property is located or the corporation counsel
13 of the municipality in which the real property is located
14 agrees, assign to that State's Attorney or corporation counsel
15 the right to bring a forcible entry and detainer action on
16 behalf of the owner or lessor, against the lessee and all
17 occupants of the leased premises. The assignment must be in
18 writing on a form prepared by the State's Attorney of the
19 county in which the real property is located or the corporation
20 counsel of the municipality in which the real property is
21 located, as applicable. If the owner or lessor assigns the
22 right to bring a forcible entry and detainer action, the
23 assignment shall be limited to those rights and duties up to
24 and including delivery of the order of eviction to the sheriff
25 for execution. The owner or lessor shall remain liable for the
26 cost of the eviction whether or not the right to bring the

1 forcible entry and detainer action has been assigned.

2 (c) A person does not forfeit any part of his or her
3 security deposit due solely to an eviction under the provisions
4 of this Section, except that a security deposit may be used to
5 pay fees charged by the sheriff for carrying out an eviction.

6 (d) If a lessor or the lessor's assignee voids a lease or
7 contract under the provisions of this Section and the tenant or
8 occupant has not vacated the premises within 5 days after
9 receipt of a written notice to vacate the premises, the lessor
10 or lessor's assignee may seek relief under this Article IX.
11 Notwithstanding Sections 9-112, 9-113, and 9-114 of this Code,
12 judgment for costs against a plaintiff seeking possession of
13 the premises under this Section shall not be awarded to the
14 defendant unless the action was brought by the plaintiff in bad
15 faith. An action to possess premises under this Section shall
16 not be deemed to be in bad faith when the plaintiff based his
17 or her cause of action on information provided to him or her by
18 a law enforcement agency, ~~or~~ the State's Attorney, or the
19 municipality.

20 (e) After a trial, if the court finds, by a preponderance
21 of the evidence, that the allegations in the complaint have
22 been proven, the court shall enter judgment for possession of
23 the premises in favor of the plaintiff and the court shall
24 order that the plaintiff shall be entitled to re-enter the
25 premises immediately.

26 (f) A judgment for possession of the premises entered in an

1 action brought by a lessor or lessor's assignee, if the action
2 was brought as a result of a lessor or lessor's assignee
3 declaring a lease void pursuant to this Section, may not be
4 stayed for any period in excess of 7 days by the court unless
5 all parties agree to a longer period. Thereafter the plaintiff
6 shall be entitled to re-enter the premises immediately. The
7 sheriff or other lawfully deputized officers shall execute an
8 order entered pursuant to this Section within 7 days of its
9 entry, or within 7 days of the expiration of a stay of
10 judgment, if one is entered.

11 (g) Nothing in this Section shall limit the rights of an
12 owner or lessor to bring a forcible entry and detainer action
13 on the basis of other applicable law.

14 (Source: P.A. 90-360, eff. 1-1-98.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law."