



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB1596

Introduced 2/19/2009, by Sen. Dave Syverson

SYNOPSIS AS INTRODUCED:

735 ILCS 5/9-107.5

Amends the Code of Civil Procedure in relation to forcible entry and detainer actions. In connection with service of process on an unknown occupant and the ability of law enforcement officials to remove persons or property from the premises when there is a criminal trespass, provides that any person asserting a right to possession of the premises must produce evidence to law enforcement officials that he or she is in legal possession. Provides that this evidence may include a lease agreement, receipts for payment of rent, or other documentation that demonstrates that the person claiming a right to possession does so with the knowledge and consent of the property owner.

LRB096 07586 AJO 17681 b

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
5 changing Section 9-107.5 as follows:

6 (735 ILCS 5/9-107.5)

7 Sec. 9-107.5. Notice to unknown occupants.

8 (a) Service of process upon an unknown occupant may be had
9 by delivering a copy of the summons and complaint naming
10 "unknown occupants" to the tenant or any unknown occupant or
11 person of the age of 13 or upwards occupying the premises.

12 (b) If unknown occupants are not named in the initial
13 summons and complaint and a judgment for possession in favor of
14 the plaintiff is entered, but the order does not include
15 unknown occupants and the sheriff determines when executing the
16 judgment for possession that persons not included in the order
17 are in possession of the premises, then the sheriff shall leave
18 with a person of the age of 13 years or upwards occupying the
19 premises, a copy of the order, or if no one is present in the
20 premises to accept the order or refuses to accept the order,
21 then by posting a copy of the order on the premises. In
22 addition to leaving a copy of the order or posting of the
23 order, the sheriff shall also leave or post a notice addressed

1 to "unknown occupants" that states unless any unknown occupants
2 file a written petition with the clerk that sets forth the
3 unknown occupant's legal claim for possession within 7 days of
4 the date the notice is posted or left with any unknown
5 occupant, the unknown occupants shall be evicted from the
6 premises. If any unknown occupants file such a petition, a
7 hearing on the merits of the unknown occupant's petition shall
8 be held by the court within 7 days of the filing of the
9 petition with the clerk. The unknown occupants shall have the
10 burden of proof in establishing a legal right to continued
11 possession.

12 (c) The plaintiff may obtain a judgment for possession only
13 and not for rent as to any unknown occupants.

14 (d) Nothing in this Section may be construed so as to vest
15 any rights to persons who are criminal trespassers, nor may
16 this Section be construed in any way that interferes with the
17 ability of law enforcement officials removing persons or
18 property from the premises when there is a criminal trespass.
19 Any person asserting a right to possession of the premises must
20 produce evidence to law enforcement officials that he or she is
21 in legal possession. Evidence may include a lease agreement,
22 receipts for payment of rent, or other documentation that
23 demonstrates that the person claiming a right to possession
24 does so with the knowledge and consent of the property owner.

25 (Source: P.A. 92-823, eff. 8-21-02.)