

HB4138



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB4138

by Rep. Michael J. Madigan

SYNOPSIS AS INTRODUCED:

740 ILCS 5/1

from Ch. 40, par. 1901

Amends the Alienation of Affections Act. Makes a technical change in a Section concerning public policy.

LRB098 15693 HEP 50724 b

A BILL FOR

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 Alienation of Affections Act is amended by
5 changing Section 1 as follows:

6 (740 ILCS 5/1) (from Ch. 40, par. 1901)

7 Sec. 1. It is hereby declared, as a matter of legislative
8 determination, that ~~that~~ the remedy heretofore provided by law
9 for the enforcement of the action for alienation of affections
10 has been subjected to grave abuses and has been used as an
11 instrument for blackmail by unscrupulous persons for their
12 unjust enrichment, due to the indefiniteness of the damages
13 recoverable in such actions and the consequent fear of persons
14 threatened with such actions that exorbitant damages might be
15 assessed against them. It is also hereby declared that the
16 award of monetary damages in such actions is ineffective as a
17 recompense for genuine mental or emotional distress.
18 Accordingly, it is hereby declared as the public policy of the
19 state that the best interests of the people of the state will
20 be served by limiting the damages recoverable in such actions
21 and by leaving any punishment of wrongdoers guilty of
22 alienation of affections to proceedings under the criminal laws
23 of the state, rather than to the imposition of punitive,

1 exemplary, vindictive, or aggravated damages in actions for
2 alienation of affections. Consequently, in the public
3 interest, the necessity for the enactment of this chapter is
4 hereby declared as a matter of legislative determination.

5 (Source: Laws 1947, p. 796.)