



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

SB2829

Introduced 1/30/2014, by Sen. Terry Link

#### SYNOPSIS AS INTRODUCED:

735 ILCS 5/5-120

from Ch. 110, par. 5-120

Amends the Code of Civil Procedure. Provides that in any any successful appeal under the Administrative Review Law of an adverse decision by a unit of local government, the court shall award the plaintiff all reasonable costs, including court costs and attorney's fees, associated with the appeal. Provides that if the court finds the decision by the unit of local government was clearly erroneous or that the plaintiff's rights to due process were abridged, the court may award the plaintiff all reasonable costs associated with the entire case dating back to the inception of the administrative proceeding.

LRB098 17209 HEP 52301 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 5-120 as follows:

6 (735 ILCS 5/5-120) (from Ch. 110, par. 5-120)

7 Sec. 5-120. Affirmance or reversal on appeal.

8 (a) If any person takes an appeal to review the judgment of  
9 any other court, and the judgment is affirmed or the appeal is  
10 dismissed, the appellee shall recover costs, which may be  
11 collected in the same manner as judgments for the payment of  
12 money are enforced; and if the judgment is reversed, the  
13 appellant shall recover costs, which may be collected in the  
14 same manner as judgments for the payment of money are enforced.

15 (b) In any successful appeal under Article III of this Code  
16 of an adverse decision by a unit of local government, the court  
17 shall award the plaintiff all reasonable costs, including court  
18 costs and attorney's fees, associated with the appeal. If the  
19 court finds the decision by the unit of local government was  
20 clearly erroneous or that the plaintiff's rights to due process  
21 were abridged, the court may award the plaintiff all reasonable  
22 costs associated with the entire case dating back to the  
23 inception of the administrative proceeding.

1 (Source: P.A. 82-280.)