

1 AN ACT in relation to military affairs.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 1. Short title. This Act may be cited as the
5 Illinois National Guard Civil Relief Act.

6 Section 5. Default judgment. If a default judgment is
7 entered in any action or proceeding governed by this Act
8 against a person who at the time of entry is participating in
9 a period of training or duty under Title 32 of the United
10 States Code or who is participating in a period of State
11 Active Duty, or if a default judgment is entered against a
12 person within 30 days after the end of the person's
13 participation in such a period of training or duty or State
14 Active Duty, and if it appears that the person was
15 prejudiced by reason of his or her military service in making
16 his or her defense to that action or proceeding, then upon
17 application by the person or his or her legal representative
18 not later than 90 days after termination of that service, the
19 court may open the judgment and permit the defendant or his
20 or her legal representative to make a defense to the action
21 or proceeding. The court may open the judgment and permit the
22 defendant or his or her legal representative to defend the
23 action or proceeding only if it appears that the defendant
24 has a meritorious or legal defense to the action or
25 proceeding in whole or in part. The vacating, setting aside,
26 or reversing of a judgment under this Act does not impair any
27 right or title acquired by any bona fide purchaser for value
28 under the judgment.

29 Section 10. Eviction or forcible entry and detainer
30 action during military service; stay.

1 (a) Except with leave of the court upon the property
2 owner's application, and as provided in this Section, a
3 property owner may not evict or maintain an action for
4 forcible entry and detainer against a tenant during a period
5 of the tenant's training or duty under Title 32 of the United
6 States Code or during a period of the tenant's State Active
7 Duty with respect to any premises occupied chiefly for
8 residential purposes by the tenant's spouse, children, or
9 other dependents if the period of the tenant's training or
10 duty or State Active Duty exceeds 29 days.

11 (b) Upon application to proceed notwithstanding a person
12 being in a period of training or duty or State Active Duty as
13 described in subsection (a), or on its own motion, the court
14 shall stay the proceedings for not longer than 3 months or
15 enter any other order as may be just, unless the court
16 determines that a tenant's ability to pay the agreed rent has
17 not been materially affected by being in such a period of
18 training or duty or State Active Duty. In any such
19 determination or proceeding, the landlord or property owner
20 has the burden to prove that the tenant's training or duty or
21 State Active Duty has not materially affected the tenant's
22 ability to pay the agreed rent.

23 Section 15. Termination of lease by lessee.

24 (a) The provisions of this Section shall apply only to a
25 residential lease in which (i) the lease was executed by or
26 on behalf of a person who, after execution of the lease,
27 entered a period of training or duty under Title 32 of the
28 United States Code, or State Active Duty, which period
29 exceeds 29 days, and (ii) the premises so leased have been
30 occupied as a residence by that person and his or her
31 dependents, if any.

32 (b) Any such lease may be terminated by written notice
33 delivered by the lessee to the lessor, to the lessor's

1 grantee, or to the agent of the lessor or the lessor's
2 grantee at any time following the date of the beginning of
3 the period of training or duty or State Active Duty described
4 in subsection (a). Delivery of the notice may be accomplished
5 by placing it in an envelope properly stamped and duly
6 addressed to the lessor, the lessor's grantee, or the agent
7 of the lessor or the lessor's grantee and depositing the
8 notice in the United States mail. Termination of any such
9 lease providing for payment of rent is not effective until 30
10 days after the first date on which the next rental payment is
11 due and payable after the date the notice is delivered or
12 mailed. In the case of all other leases, termination shall be
13 effected on the last day of the month following the month in
14 which the notice is delivered or mailed, and in that case any
15 unpaid rental for a period preceding termination shall be
16 proratably computed and any rental paid in advance for a
17 period succeeding termination shall be refunded by the lessor
18 or the lessor's assignee. Upon application by the lessor to
19 the appropriate court before the termination period provided
20 for in the notice, any relief granted in this subsection
21 shall be subject to any modifications or restrictions that
22 the court determines are required by justice and equity.

23 (c) Any person who knowingly seizes, holds, or detains
24 the personal effects, clothing, furniture, or other property
25 of any person who has lawfully terminated a lease under this
26 Section, or who in any manner interferes with the removal of
27 such property from the premises covered by the lease, for the
28 purpose of subjecting or attempting to subject any of the
29 property to a claim for rent accruing after the date of
30 termination of the lease, or who attempts to do so, is guilty
31 of a Class A misdemeanor.

32 Section 20. Maximum rate of interest. No obligation or
33 liability bearing interest in excess of 6% per year by a

1 person who has entered a period of training or duty under
2 Title 32 of the United States Code, or State Active Duty,
3 either of which periods exceeds 90 days, which obligation or
4 liability was agreed to before that person's entry into that
5 period of training or duty or State Active Duty, shall,
6 during any part of that period of training or duty or State
7 Active Duty, bear interest at a rate in excess of 6% per year
8 unless, in the opinion of the court, upon application to the
9 court by the obligee, the ability of the person during that
10 period of training or duty or State Active Duty to pay
11 interest upon the obligation or liability at a rate in excess
12 of 6% per year is not materially affected by reason of that
13 training or duty or State Active Duty, in which case the
14 court may make an order that in its opinion is just. As used
15 in this Section, "interest" includes service charges, renewal
16 charges, or any other charges (except bona fide insurance)
17 with respect to an obligation or liability.

18 Section 25. Deferment of payment of income taxes. The
19 collection from any person in the military service of any tax
20 on the income of the person, whether falling due before or
21 during the person's period of military service, shall be
22 deferred for a period extending not more than 6 months after
23 the termination of the person's period of military service if
24 the person's ability to pay the tax is materially impaired by
25 reason of that service. No interest on any amount of tax,
26 collection of which is deferred for any period under this
27 Section, and no penalty for nonpayment of that amount during
28 that period, shall accrue for the period of deferment by
29 reason of that nonpayment. The running of any statute of
30 limitations against the collection of the tax by distraint or
31 otherwise shall be suspended for the period of military
32 service of any individual the collection of whose tax is
33 deferred under this Section, and for an additional period of

1 9 months beginning with the day following the period of
2 military service. The provisions of this Section do not apply
3 to the income tax on employees imposed by Section 1400 of the
4 Federal Insurance Contributions Act.

5 Section 90. The Illinois Income Tax Act is amended by
6 adding Section 606 as follows:

7 (35 ILCS 5/606 new)

8 Sec. 606. Deferment of payment of tax. Notwithstanding
9 any other provision of this Act or any other law, the
10 Department must defer, without penalty or interest, the
11 payment of the tax due under this Act in the case of persons
12 in the military service as provided in Section 25 of the
13 Illinois National Guard Civil Relief Act.

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