



Rep. Litesa E. Wallace

**Filed: 4/9/2018**

10000HB4968ham001

LRB100 17755 HEP 38145 a

1 AMENDMENT TO HOUSE BILL 4968

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4968 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Clerks of Courts Act is amended by adding  
5 Section 27.2c as follows:

6 (705 ILCS 105/27.2c new)

7 Sec. 27.2c. Petition to seal eviction court file.  
8 Notwithstanding any other provision of law, the clerks of the  
9 circuit court shall not collect a filing fee for a petition  
10 filed under subsection (d) of Section 9-121 of the Code of  
11 Civil Procedure.

12 Section 10. The Code of Civil Procedure is amended by  
13 changing Section 9-121 as follows:

14 (735 ILCS 5/9-121)

1           Sec. 9-121. Sealing of court file.

2           (a) Definition. As used in this Section, "court file" means  
3 the court file created when an eviction action is filed with  
4 the court.

5           (b) Discretionary sealing of court file. The court may  
6 order that a court file in an eviction action be placed under  
7 seal:

8                 (1) if the court finds that the plaintiff's action is  
9                 sufficiently without a basis in fact or law, which may  
10                include a lack of jurisdiction, that placing the court file  
11                under seal is clearly in the interests of justice, and that  
12                those interests are not outweighed by the public's interest  
13                in knowing about the record; or -

14                (2) in settlement, by agreement of the parties or if  
15                the court finds that there is a prima facie defense to the  
16                eviction.

17           (c) Mandatory sealing of court file. The court file shall  
18 be placed under seal if it is:

19                (1) relating to an eviction action brought against a  
20                tenant under Section 9-207.5 of this Code or as set forth  
21                in subdivision (h) (6) of Section 15-1701 of this Code; or  
22                ~~shall be placed under seal.~~

23                (2) relating to an eviction action that is required to  
24                be sealed under subsection (d).

25           (d) Upon motion or petition, the court shall order the  
26 sealing and impoundment of a court file for an eviction action

1 in which the court does not find that a tenant or an occupant  
2 has materially breached the lease. The records of the circuit  
3 court clerk pertaining to a court file that is ordered sealed  
4 and impounded under this subsection shall be impounded until  
5 further order of the court upon good cause shown and the name  
6 of the petitioner obliterated on the official index required to  
7 be kept by the circuit court clerk under Section 16 of the  
8 Clerks of Courts Act. The circuit court clerk may not collect a  
9 filing fee for a petition filed under this subsection.

10 (Source: P.A. 100-173, eff. 1-1-18.)".