

SB3474



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB3474

Introduced 2/14/2020, by Sen. Jason A. Barickman

SYNOPSIS AS INTRODUCED:

735 ILCS 5/6-130
735 ILCS 5/6-137

from Ch. 110, par. 6-130
from Ch. 110, par. 6-137

Amends the Ejectment Article of the Code of Civil Procedure. Provides that a plaintiff is entitled to recover either the profits received by the defendant or lost by the plaintiff. Provides that the jury of an ejectment action may assess damages in the amount of mesne profits lost by the plaintiff (in addition to those received by the defendant) since the defendant entered into possession of the premises.

LRB101 19713 LNS 69207 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 Code of Civil Procedure is amended by
5 changing Sections 6-130 and 6-137 as follows:

6 (735 ILCS 5/6-130) (from Ch. 110, par. 6-130)

7 Sec. 6-130. Recovery of rents and profits. The plaintiff
8 recovering judgment in ejectment in any of the cases in which
9 such action may be maintained, shall also be entitled to
10 recover damages against the defendant for the rents and profits
11 of the premises recovered, being either the profits received by
12 the defendant or lost by the plaintiff.

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

14 (735 ILCS 5/6-137) (from Ch. 110, par. 6-137)

15 Sec. 6-137. Issue of fact on petition. If any issue of fact
16 is presented on such petition, it shall be tried as in other
17 civil cases; and if such issue is found for the plaintiff, or
18 if demand for trial by jury has been made in accordance with
19 law, a jury may assess damages in the amount of the mesne
20 profits received by the defendant or lost by the plaintiff
21 since the defendant ~~he or she~~ entered into possession of the
22 premises, subject to the restrictions contained in Article VI

1 of this Act.

2 (Source: P.A. 84-1043.)