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09400SB2284sam001

LRB094 16496 AJO 55670 a

1 AMENDMENT TO SENATE BILL 2284

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2284 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Code of Civil Procedure is amended by  
5 adding Section 2-807 as follows:

6 (735 ILCS 5/2-807 new)

7 Sec. 2-807. Residual funds in a common fund created in a  
8 class action.

9 (a) Definitions. As used in this Section, "residual funds"  
10 means all unclaimed funds, including uncashed checks or other  
11 unclaimed payments, that remain in a common fund created in a  
12 class action after court-approved payments are made for the  
13 following:

- 14 (i) class member claims;
- 15 (ii) attorney's fees and costs; and
- 16 (iii) any reversions to a defendant agreed upon by the  
17 parties.

18 (b) Settlement. An order approving a proposed settlement of  
19 a class action that results in the creation of a common fund  
20 for the benefit of the class shall, consistent with the other  
21 Sections of this Part, establish a process for the  
22 administration of the settlement and shall provide for the  
23 distribution of any residual funds to one or more nonprofit  
24 charitable organizations that have a principal purpose of

1 promoting or providing access to justice for low-income  
2 residents of the State of Illinois, except that up to 50% of  
3 the residual funds may be distributed to one or more other  
4 nonprofit charitable organizations or other organizations that  
5 serve the public good if the court finds there is good cause to  
6 approve such a distribution as part of a settlement.

7 (c) Judgment. A judgment in favor of the plaintiff in a  
8 class action that results in the creation of a common fund for  
9 the benefit of the class shall provide for the distribution of  
10 any residual funds to one or more nonprofit charitable  
11 organizations that have a principal purpose of promoting or  
12 providing access to justice for low-income residents of the  
13 State of Illinois.

14 (d) State and its political subdivisions. This Section does  
15 not apply to any class action lawsuit against the State of  
16 Illinois or any of its political subdivisions.

17 (e) Application. This Section applies to all actions  
18 commenced on or after the effective date of this amendatory Act  
19 of the 94th General Assembly and to all actions pending on the  
20 effective date of this amendatory Act of the 94th General  
21 Assembly.

22 Section 99. Effective date. This Act takes effect July 1,  
23 2007.".