



Sen. Jason A. Barickman

Filed: 4/15/2013

09800SB2043sam001

LRB098 06560 HEP 44678 a

1 AMENDMENT TO SENATE BILL 2043

2 AMENDMENT NO. _____. Amend Senate Bill 2043 by replacing
3 everything after the enacting clause with the following:

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

1 shall award the plaintiff all reasonable costs, including court
2 costs and attorney's fees, associated with the appeal. In cases
3 in which the court finds that the decision by the unit of local
4 government was clearly erroneous or that the plaintiff's rights
5 to due process were abridged, the court may award the plaintiff
6 all reasonable costs associated with the entire case dating
7 back to the inception of the administrative proceeding.

8 (Source: P.A. 82-280.)".