



Sen. Terry Link

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09800SB2829sam004

LRB098 17209 HEP 58211 a

1 AMENDMENT TO SENATE BILL 2829

2 AMENDMENT NO. _____. Amend Senate Bill 2829, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Code of Civil Procedure is amended by
6 changing Section 5-120 as follows:

7 (735 ILCS 5/5-120) (from Ch. 110, par. 5-120)

8 Sec. 5-120. Affirmance or reversal on appeal.

9 (a) If any person takes an appeal to review the judgment of
10 any other court, and the judgment is affirmed or the appeal is
11 dismissed, the appellee shall recover costs, which may be
12 collected in the same manner as judgments for the payment of
13 money are enforced; and if the judgment is reversed, the
14 appellant shall recover costs, which may be collected in the
15 same manner as judgments for the payment of money are enforced.

16 (b) In any successful appeal under Article III of this Code

1 of an adverse decision by a Code Hearing Unit of a municipality
2 that imposes a fine or penalty, the court may award the
3 plaintiff all reasonable costs, including court costs and
4 attorney's fees, associated with the appeal. If the court finds
5 the decision by the municipality was clearly erroneous or that
6 the plaintiff's rights to due process were abridged, the court
7 may award the plaintiff all reasonable costs associated with
8 the entire case dating back to the inception of the
9 administrative proceeding. This subsection does not apply in
10 municipalities where the Code Hearing Department was
11 established pursuant to Division 2.1 of Article 1 of the
12 Illinois Municipal Code.

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