

# HB5564



## 100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB5564

by Rep. Anna Moeller

### SYNOPSIS AS INTRODUCED:

735 ILCS 30/10-5-5

was 735 ILCS 5/7-101

Amends the Eminent Domain Act. Provides that, with specified exceptions, if either party in the condemnation action demands a trial by jury, the condemning authority shall not be granted title or possession and the owner shall not be restrained from denying access to the property until the jury ascertains compensation.

LRB100 18208 HEP 33410 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 Eminent Domain Act is amended by changing  
5 Section 10-5-5 as follows:

6 (735 ILCS 30/10-5-5) (was 735 ILCS 5/7-101)

7 Sec. 10-5-5. Compensation; jury.

8 (a) Private property shall not be taken or damaged for  
9 public use without just compensation and, in all cases in which  
10 compensation is not made by the condemning authority,  
11 compensation shall be ascertained by a jury, as provided in  
12 this Act. When compensation is so made by the condemning  
13 authority, any party, upon application, may have a trial by  
14 jury to ascertain the just compensation to be paid. A demand on  
15 the part of the condemning authority for a trial by jury shall  
16 be filed with the complaint for condemnation of the condemning  
17 authority. When the condemning authority is plaintiff, a  
18 defendant desirous of a trial by jury must file a demand for a  
19 trial by jury on or before the return date of the summons  
20 served on him or her or on or before the date fixed in the  
21 publication in case of defendants served by publication. If no  
22 party in the condemnation action demands a trial by jury, as  
23 provided for by this Section, then the trial shall be before

1 the court without a jury. Except as provided in Article 20 or  
2 25 of this Act, if either party in the condemnation action  
3 demands a trial by jury under this Section, the condemning  
4 authority shall not be granted title or possession and the  
5 owner shall not be restrained from denying access to the  
6 property until the jury ascertains compensation.

7 (b) The right to just compensation, as provided in this  
8 Act, applies to the owner or owners of any lawfully erected  
9 off-premises outdoor advertising sign that is compelled to be  
10 altered or removed under this Act or any other statute, or  
11 under any ordinance or regulation of any municipality or other  
12 unit of local government, and also applies to the owner or  
13 owners of the property on which that sign is erected. The right  
14 to just compensation, as provided in this Act, applies to  
15 property subject to a conservation right under the Real  
16 Property Conservation Rights Act. The amount of compensation  
17 for the taking of the property shall not be diminished or  
18 reduced by virtue of the existence of the conservation right.  
19 The holder of the conservation right shall be entitled to just  
20 compensation for the value of the conservation right.

21 (Source: P.A. 94-1055, eff. 1-1-07.)