

SB0520



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB0520

Introduced 2/23/2021, by Sen. Patricia Van Pelt

SYNOPSIS AS INTRODUCED:

735 ILCS 5/9-102.5 new
735 ILCS 5/9-121

Amends the Eviction Article of the Code of Civil Procedure. Provides that eviction proceedings shall be sealed and remain so unless a final order of eviction in favor of the plaintiff is entered. Provides that unsealed records shall remain unsealed for a period of 7 years. Provides that after 7 years, access to the court records may be obtained only by specified parties. Allows the court to order that the tenant's name in an eviction action related to a condominium be sealed. Effective 90 days after becoming law.

LRB102 14940 LNS 20295 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 Section 9-121 and by adding Section 9-102.5 as
6 follows:

7 (735 ILCS 5/9-102.5 new)

8 Sec. 9-102.5. Sealing of records. Once an action under
9 this Article is initiated, the clerk shall hold under seal all
10 records under the action. The records shall be unsealed if the
11 court enters a final order of eviction in favor of the
12 plaintiff or plaintiffs and against the defendant or
13 defendants. Once the records are unsealed, they shall remain
14 part of the public record for a period of 7 years, at which
15 time the clerk shall place the records under seal. The clerk
16 shall provide access to the sealed files to:

17 (1) a named party to the action, including a party's
18 attorney;

19 (2) any person who provides the clerk with the names
20 of at least one plaintiff and one defendant and the
21 address of the premises, including the apartment or unit
22 number, if any;

23 (3) a resident of the premises who provides the clerk

1 with the name of one of the parties or the case number and
2 shows any proof of residency of the premises; and

3 (4) any person by order of the court upon a showing of
4 good cause.

5 (735 ILCS 5/9-121)

6 Sec. 9-121. Sealing of court file.

7 (a) Definition. As used in this Section, "court file"
8 means the court file created when an eviction action is filed
9 with the court.

10 (b) Discretionary sealing of court file. The court may
11 order that a court file in an eviction action be placed under
12 seal if the court finds that the plaintiff's action is
13 sufficiently without a basis in fact or law, which may include
14 a lack of jurisdiction, that placing the court file under seal
15 is clearly in the interests of justice, and that those
16 interests are not outweighed by the public's interest in
17 knowing about the record. The court may order that the
18 tenant's name in an action brought under Section 9-104.2 be
19 sealed.

20 (c) Mandatory sealing of court file. The court file
21 relating to an eviction action brought against a tenant under
22 Section 9-207.5 of this Code or as set forth in subdivision
23 (h) (6) of Section 15-1701 of this Code shall be placed under
24 seal.

25 (Source: P.A. 100-173, eff. 1-1-18.)

1 Section 99. Effective date. This Act takes effect 90 days
2 after becoming law.