



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**HB1290**

Introduced 02/09/05, by Rep. Dan Reitz

**SYNOPSIS AS INTRODUCED:**

735 ILCS 5/2-1011

from Ch. 110, par. 2-1011

Amends the Code of Civil Procedure. Provides that any interest earned on the principal deposited with the court shall be paid into the county general fund as an earning of the clerk of the court (instead of the court directing the disposition of interest accrued to the parties as it deems appropriate). Effective immediately.

LRB094 06783 LCB 36885 b

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 2-1011 as follows:

6 (735 ILCS 5/2-1011) (from Ch. 110, par. 2-1011)

7 Sec. 2-1011. Deposits with Court.

8 (a) In any action in which any part of the relief sought is  
9 a judgment for a sum of money or a determination by the court  
10 as to the disposition of a sum of money and a party to the  
11 action deposits all or part of that sum with the clerk of the  
12 court, the clerk shall deposit that money in an interest  
13 bearing account as provided in this Section. When a judgment is  
14 entered as to the disposition of the principal deposited, any  
15 interest earned on the principal shall be paid into the county  
16 general fund as an earning of the office of the clerk ~~the court~~  
17 ~~shall also direct disposition of the interest accrued to the~~  
18 ~~parties as it deems appropriate.~~

19 (b) Unless otherwise ordered by the court as to a specified  
20 deposit or deposits, all funds so deposited with the court may  
21 be intermingled. The accounts established by the clerk of the  
22 circuit court under this Section shall be in banks or savings  
23 and loan associations doing business in this State. The  
24 accounts must be insured by an agency of the United States to  
25 the full extent of the amounts held in the accounts. The clerk  
26 shall keep complete and accurate records of the amounts  
27 deposited with the court in each action and of the accounts  
28 containing those deposits. The records and accounts shall be  
29 subject to audit, as provided by law. The clerk shall, upon  
30 request of any party in an action in which a sum of money has  
31 been deposited with the court under this Section, furnish to  
32 that party a statement showing the condition of the deposit or

1 of the account containing the deposit.

2 (c) Payment out of money deposited with the court shall be  
3 made only upon order of the court after a finding that:

4 (1) the order is consistent with the account records as  
5 to the amount involved; and

6 (2) the order correctly identifies affected parties  
7 and specifies to whom payments are to be made and the  
8 amount each is to receive.

9 (d) No moneys on deposit under this Section shall be paid  
10 out except by a check of the clerk.

11 (e) Orders to pay out may be made under terms and  
12 conditions as the court may, in its discretion, deem  
13 appropriate, subject to the provisions of this Section. The  
14 orders may be stayed pending appeal upon application under  
15 Supreme Court Rule 305.

16 (Source: P.A. 86-1329.)

17 Section 99. Effective date. This Act takes effect upon  
18 becoming law.