



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HOUSE JOINT RESOLUTION

CONSTITUTIONAL AMENDMENT

HC0013

Introduced 2/23/2005, by Rep. Tom Cross - Elizabeth Coulson -
Dave Winters - Aaron Schock - Mike Bost, et al.

SYNOPSIS AS INTRODUCED:

ILCON Art. XIII, Sec. 13.5 new

Permits the General Assembly to provide by law for the pre-trial medical peer review of all medical malpractice actions filed in Illinois. Provides that the review is non-binding but is admissible at trial.

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HOUSE JOINT RESOLUTION
CONSTITUTIONAL AMENDMENT

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to add Section 13.5 to Article IV of the Illinois Constitution as follows:

ARTICLE XIII
GENERAL PROVISIONS

(ILCON Art. XIII, Sec. 13.5 new)

SECTION 13.5. PRE-TRIAL MEDICAL PEER REVIEW

(a) Notwithstanding any other provision of this Constitution, the General Assembly may provide by law for the pre-trial medical peer review of all medical malpractice actions, as defined by law, filed in Illinois. The review is non-binding, but any determination made as a result of the review is admissible at trial.

(b) This Section applies without regard to whether the claim or cause of action arises under or is derived from common law, a statute, or other law, including any claim or cause of action based or sounding in tort, contract, or any other theory or any combination of theories of liability.

(c) This Section applies to any law enacted by the General Assembly on, before, or after the effective date of this Section.

(d) This Section and laws implementing this Section shall not be construed to be in conflict with the judicial power vested in the courts under Section 1 of Article VI or to violate the doctrine of separation of powers.

1 This Constitutional Amendment takes effect upon being
2 declared adopted in accordance with Section 7 of the Illinois
3 Constitutional Amendment Act.