



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB4196

Introduced 2/27/2009, by Rep. Robert W. Pritchard

SYNOPSIS AS INTRODUCED:

735 ILCS 5/2-418 new

Amends the Code of Civil Procedure. Provides that, in addition to any rights and obligations provided under the federal Servicemembers Civil Relief Act, a creditor shall suspend and defer activity in an action against a defendant who is a person on active military duty stationed out of State. Provides that, whenever it is determined in a proceeding brought by a creditor that the defendant is a person on active military duty stationed out of State, the court must stay the proceedings until after the person is discharged from active duty or after the person, although on active duty, is no longer stationed out of State. Defines "person on active military duty" as a person who is currently serving on active duty as a member of the Armed Forces of the United States, the Illinois National Guard, or any reserve component of the Armed Forces of the United States.

LRB096 05712 AJ0 22591 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 adding
5 Section 2-418 as follows:

6 (735 ILCS 5/2-418 new)

7 Sec. 2-418. Creditor action; active out of State military
8 duty.

9 (a) In addition to any rights and obligations provided
10 under the federal Servicemembers Civil Relief Act, a creditor
11 shall suspend and defer activity in an action against a
12 defendant who is a person on active military duty stationed out
13 of State.

14 (b) Whenever it is determined in a proceeding brought by a
15 creditor that the defendant is a person on active military duty
16 stationed out of State, the court must stay the proceedings
17 until:

18 (1) after the person is discharged from active military
19 duty; or

20 (2) after the person, although remaining on active
21 military duty, is no longer stationed out of State.

22 (c) As used in this Section, "person on active military
23 duty" means a person who is currently serving on active duty as

1 a member of the Armed Forces of the United States, the Illinois
2 National Guard, or any reserve component of the Armed Forces of
3 the United States.