



Sen. Michael W. Frerichs

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09600SB1095sam001

LRB096 07172 AJ0 24616 a

1 AMENDMENT TO SENATE BILL 1095

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1095 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Code of Civil Procedure is amended by  
5 adding Section 9-121 as follows:

6 (735 ILCS 5/9-121 new)

7 Sec. 9-121. Expungement; court file.

8 (a) Definitions. As used in this Section:

9 "Expungement" means the removal of evidence of the  
10 court file's existence from the publicly accessible  
11 records.

12 "Court file" means the court file created when a  
13 forcible entry and detainer action is filed with the court.

14 (b) Discretionary expungement. The court may order  
15 expungement of a court file in a forcible entry and detainer  
16 action if the court finds that the plaintiff's action is

1 sufficiently without a basis in fact or law, which may include  
2 a lack of jurisdiction, that expungement is clearly in the  
3 interests of justice, and those interests are not outweighed by  
4 the public's interest in knowing about the record.

5 (c) Mandatory expungement. The court shall order  
6 expungement of a court file in a forcible entry and detainer  
7 action if the court finds that the defendant occupied real  
8 property that was subject to contract for deed cancellation or  
9 mortgage foreclosure and:

10 (1) the time for contract cancellation or foreclosure  
11 redemption has expired and the defendant vacated the  
12 property prior to commencement of the forcible entry and  
13 detainer action; or

14 (2) the defendant was a tenant during the contract  
15 cancellation or foreclosure redemption period and did not  
16 receive a notice under this Part to vacate on a date prior  
17 to commencement of the forcible entry and detainer action.

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