



Sen. Dave Syverson

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09800SB3299sam001

LRB098 18085 HEP 57143 a

1 AMENDMENT TO SENATE BILL 3299

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3299 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Code of Civil Procedure is amended by  
5 changing Section 9-120 as follows:

6 (735 ILCS 5/9-120)

7 Sec. 9-120. Leased premises used in furtherance of a  
8 criminal offense; lease void at option of lessor or assignee.

9 (a) If any lessee or occupant, on one or more occasions,  
10 uses or permits the use of leased premises for the commission  
11 of any act that would constitute a felony or a Class A  
12 misdemeanor under the laws of this State, the lease or rental  
13 agreement shall, at the option of the lessor or the lessor's  
14 assignee become void, and the owner or lessor shall be entitled  
15 to recover possession of the leased premises as against a  
16 tenant holding over after the expiration of his or her term. A

1 written lease shall notify the lessee that if any lessee or  
2 occupant, on one or more occasions, uses or permits the use of  
3 the leased premises for the commission of a felony or Class A  
4 misdemeanor under the laws of this State, the lessor shall have  
5 the right to void the lease and recover the leased premises.  
6 Failure to include this language in a written lease or the use  
7 of an oral lease shall not waive or impair the rights of the  
8 lessor or lessor's assignee under this Section or the lease.  
9 This Section shall not be construed so as to diminish the  
10 rights of a lessor, if any, to terminate a lease for other  
11 reasons permitted under law or pursuant to the lease agreement.  
12 This Section shall not be construed to require a lessor to void  
13 a lease and recover possession of the leased premises, nor  
14 shall a lessor be penalized for declining to void a lease for  
15 the commission of an act qualifying under this Section.

16 (b) The owner or lessor may bring a forcible entry and  
17 detainer action, or, if the State's Attorney of the county in  
18 which the real property is located or the corporation counsel  
19 of the municipality in which the real property is located  
20 agrees, assign to that State's Attorney or corporation counsel  
21 the right to bring a forcible entry and detainer action on  
22 behalf of the owner or lessor, against the lessee and all  
23 occupants of the leased premises. The assignment must be in  
24 writing on a form prepared by the State's Attorney of the  
25 county in which the real property is located or the corporation  
26 counsel of the municipality in which the real property is

1 located, as applicable. If the owner or lessor assigns the  
2 right to bring a forcible entry and detainer action, the  
3 assignment shall be limited to those rights and duties up to  
4 and including delivery of the order of eviction to the sheriff  
5 for execution. The owner or lessor shall remain liable for the  
6 cost of the eviction whether or not the right to bring the  
7 forcible entry and detainer action has been assigned.

8 (c) A person does not forfeit any part of his or her  
9 security deposit due solely to an eviction under the provisions  
10 of this Section, except that a security deposit may be used to  
11 pay fees charged by the sheriff for carrying out an eviction.

12 (d) If a lessor or the lessor's assignee voids a lease or  
13 contract under the provisions of this Section and the tenant or  
14 occupant has not vacated the premises within 5 days after  
15 receipt of a written notice to vacate the premises, the lessor  
16 or lessor's assignee may seek relief under this Article IX.  
17 Notwithstanding Sections 9-112, 9-113, and 9-114 of this Code,  
18 judgment for costs against a plaintiff seeking possession of  
19 the premises under this Section shall not be awarded to the  
20 defendant unless the action was brought by the plaintiff in bad  
21 faith. An action to possess premises under this Section shall  
22 not be deemed to be in bad faith when the plaintiff based his  
23 or her cause of action on information provided to him or her by  
24 a law enforcement agency, the State's Attorney, or the  
25 municipality.

26 (e) After a trial, if the court finds, by a preponderance

1 of the evidence, that the allegations in the complaint have  
2 been proven, the court shall enter judgment for possession of  
3 the premises in favor of the plaintiff and the court shall  
4 order that the plaintiff shall be entitled to re-enter the  
5 premises immediately.

6 (f) A judgment for possession of the premises entered in an  
7 action brought by a lessor or lessor's assignee, if the action  
8 was brought as a result of a lessor or lessor's assignee  
9 declaring a lease void pursuant to this Section, may not be  
10 stayed for any period in excess of 7 days by the court unless  
11 all parties agree to a longer period. Thereafter the plaintiff  
12 shall be entitled to re-enter the premises immediately. The  
13 sheriff or other lawfully deputized officers shall execute an  
14 order entered pursuant to this Section within 7 days of its  
15 entry, or within 7 days of the expiration of a stay of  
16 judgment, if one is entered.

17 (g) Nothing in this Section shall limit the rights of an  
18 owner or lessor to bring a forcible entry and detainer action  
19 on the basis of other applicable law.

20 (Source: P.A. 97-236, eff. 8-2-11.)".