

1 AN ACT in relation to discovery depositions.

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 adding Part 28 to Article 8 as follows:

6 (735 ILCS 5/Art 8, Part 28 heading new)

7 PART 28. DISCOVERY DEPOSITIONS

8 (735 ILCS 5/8-2801 new)

9 Sec. 8-2801. Discovery depositions. Testimony given in
10 a discovery deposition in a civil case is not excludable at
11 the trial of that case as hearsay, and, if otherwise relevant
12 and admissible, may be used at the trial of that case in
13 situations in which:

14 (1) the witness is unable to be present or to
15 testify at the trial because of death or because of
16 physical or mental illness or infirmity at the time of
17 trial; or

18 (2) the party offering the deposition has been
19 unable to procure the witness' attendance by process
20 unless the absence of the witness is due to the
21 procurement or wrongdoing of the party offering the
22 deposition.

23 Nothing in this Section shall be construed as affecting
24 the use of evidence depositions as provided in Supreme Court
25 Rule 212(b).