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## New Illinois Statute Allowing the Recovery of Punitive Damages

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In a drastic legislative change, Illinois Governor J.B. Pritzker signed HB-219 into law to amend the Wrongful Death Act and allow for the recovery of punitive damages in wrongful death and survival action claims.

As of August 11, 2023, any claim filed on the date of signing or afterward may seek recovery of punitive damages “when applicable.” Claims for punitive damages may not initially be sought in a complaint but will be allowed through a motion seeking punitive damages with the court “if the plaintiff establishes . . . a reasonable likelihood of proving facts at trial sufficient to support an award of punitive damages.” Notably, HB 219 does not place a cap on punitive damages.

Until now, Illinois Courts only allowed an injured party the right to seek recovery of punitive damages, not their estate. Illinois now joins most states in the U.S. that allow recovery of punitive damages for estates. HB 219 follows the Gov. Pritzker’s 2021 signing Senate Bill 72 into law allowing plaintiffs to collect a six percent prejudgment interest on damages awarded in tort actions for personal injury and wrongful death claims.

RSHC will continue to monitor the ramifications and application of this amendment to best serve its clients.<sup>i</sup>

## Client **Alert**

For more information, **please contact:**

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