



Rep. Constance A. Howard

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09400SB2737ham003

LRB094 18851 RLC 60848 a

1 AMENDMENT TO SENATE BILL 2737

2 AMENDMENT NO. _____. Amend Senate Bill 2737 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Illinois Civil Rights Act of 2006.

6 Section 5. Compelled confession; civil action.

7 (a) Independent of any criminal prosecution or the result
8 thereof, any person suffering injury to his or her person or
9 damage to his or her property as a result of having been
10 compelled to confess or provide information regarding an
11 offense by force or threat of imminent bodily harm may bring a
12 civil action for damages, injunctive relief, or other
13 appropriate relief. Upon a finding of liability, the court
14 shall award actual damages, including damages for emotional
15 distress, punitive damages, when appropriate, and any suitable
16 equitable relief. A judgment in favor of the prevailing
17 plaintiff shall include an award for reasonable attorney's fees
18 and costs.

19 (b) Independent of any criminal prosecution or the result
20 thereof, any person suffering damages as a result of
21 retaliatory action may bring a civil action for damages,
22 injunctive relief, or other appropriate relief. A judgment in
23 favor of the prevailing plaintiff shall include an award for
24 reasonable attorney's fees and costs.

1 (c) For purposes of this Section, "retaliatory action"
2 means: (1) tortious conduct directed against an individual, or
3 (2) the reprimand, discharge, suspension, demotion, or denial
4 of promotion or change in the terms and conditions of
5 employment, that is taken in retaliation because he or she has
6 opposed or reported that which he or she reasonably and in good
7 faith believed to be the use of force or threat of imminent
8 bodily harm to compel a confession or information regarding an
9 offense, or because he or she has made a charge, filed a
10 complaint, testified, assisted, or participated in an
11 investigation, proceeding, or hearing involving the use of
12 force or threat of imminent bodily harm to compel a confession
13 or information regarding an offense.

14 Section 105. The Criminal Code of 1961 is amended by
15 changing Sections 3-7 and 12-7 as follows:

16 (720 ILCS 5/3-7) (from Ch. 38, par. 3-7)

17 Sec. 3-7. Periods excluded from limitation.

18 The period within which a prosecution must be commenced
19 does not include any period in which:

20 (a) The defendant is not usually and publicly resident
21 within this State; or

22 (b) The defendant is a public officer and the offense
23 charged is theft of public funds while in public office; or

24 (c) A prosecution is pending against the defendant for the
25 same conduct, even if the indictment or information which
26 commences the prosecution is quashed or the proceedings thereon
27 are set aside, or are reversed on appeal; or

28 (d) A proceeding or an appeal from a proceeding relating to
29 the quashing or enforcement of a Grand Jury subpoena issued in
30 connection with an investigation of a violation of a criminal
31 law of this State is pending. However, the period within which
32 a prosecution must be commenced includes any period in which

1 the State brings a proceeding or an appeal from a proceeding
2 specified in this subsection (d); or

3 (e) A material witness is placed on active military duty or
4 leave. In this subsection (e), "material witness" includes, but
5 is not limited to, the arresting officer, occurrence witness,
6 or the alleged victim of the offense; or =

7 (f) The victim of unlawful force or threat of imminent
8 bodily harm to obtain information or a confession is
9 incarcerated, and the victim's incarceration, in whole or in
10 part, is a consequence of the unlawful force or threats.

11 (Source: P.A. 93-417, eff. 8-5-03.)

12 (720 ILCS 5/12-7) (from Ch. 38, par. 12-7)

13 Sec. 12-7. Compelling confession or information by force or
14 threat.

15 (a) A person who, with intent to obtain a confession,
16 statement or information regarding any offense, knowingly
17 inflicts or threatens imminent bodily ~~to inflict physical~~ harm
18 upon the person threatened or upon any other person commits the
19 offense of compelling a confession or information by force or
20 threat.

21 (b) Sentence.

22 Compelling a confession or information is a: (1) Class 4
23 felony if the defendant threatens imminent bodily harm to
24 obtain a confession, statement, or information but does not
25 inflict bodily harm on the victim, (2) Class 3 felony if the
26 defendant inflicts bodily harm on the victim to obtain a
27 confession, statement, or information, and (3) Class 2 felony
28 if the defendant inflicts great bodily harm to obtain a
29 confession, statement, or information.

30 (Source: P.A. 77-2638.)

31 Section 110. The Code of Civil Procedure is amended by
32 changing Section 13-202 as follows:

1 (735 ILCS 5/13-202) (from Ch. 110, par. 13-202)

2 Sec. 13-202. Personal injury - Penalty. Actions for damages
3 for an injury to the person, or for false imprisonment, or
4 malicious prosecution, or for a statutory penalty, or for
5 abduction, or for seduction, or for criminal conversation,
6 except damages resulting from first degree murder or the
7 commission of a Class X felony and the perpetrator thereof is
8 convicted of such crime, shall be commenced within 2 years next
9 after the cause of action accrued but such an action against a
10 defendant arising from a crime committed by the defendant in
11 whose name an escrow account was established under the
12 "Criminal Victims' Escrow Account Act" shall be commenced
13 within 2 years after the establishment of such account. If the
14 compelling of a confession or information by imminent bodily
15 harm or threat of imminent bodily harm results in whole or in
16 part in a criminal prosecution of the plaintiff, the 2-year
17 period set out in this Section shall be tolled during the time
18 in which the plaintiff is incarcerated, or until criminal
19 prosecution has been finally adjudicated in favor of the above
20 referred plaintiff, whichever is later. However, this
21 provision relating to the compelling of a confession or
22 information shall not apply to units of local government
23 subject to the Local Governmental and Governmental Employees
24 Tort Immunity Act.

25 (Source: P.A. 84-1450.)".