

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

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.

25 (c) For purposes of this Section, "retaliatory action"
26 means: (1) tortious conduct directed against an individual, or
27 (2) the reprimand, discharge, suspension, demotion, or denial
28 of promotion or change in the terms and conditions of
29 employment, that is taken in retaliation because he or she has
30 opposed or reported that which he or she reasonably and in good
31 faith believed to be the use of force or threat of imminent
32 bodily harm to compel a confession or information regarding an

1 offense, or because he or she has made a charge, filed a
2 complaint, testified, assisted, or participated in an
3 investigation, proceeding, or hearing involving the use of
4 force or threat of imminent bodily harm to compel a confession
5 or information regarding an offense.

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

8 (720 ILCS 5/3-7) (from Ch. 38, par. 3-7)

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

10 The period within which a prosecution must be commenced
11 does not include any period in which:

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

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

16 (c) A prosecution is pending against the defendant for the
17 same conduct, even if the indictment or information which
18 commences the prosecution is quashed or the proceedings thereon
19 are set aside, or are reversed on appeal; or

20 (d) A proceeding or an appeal from a proceeding relating to
21 the quashing or enforcement of a Grand Jury subpoena issued in
22 connection with an investigation of a violation of a criminal
23 law of this State is pending. However, the period within which
24 a prosecution must be commenced includes any period in which
25 the State brings a proceeding or an appeal from a proceeding
26 specified in this subsection (d); or

27 (e) A material witness is placed on active military duty or
28 leave. In this subsection (e), "material witness" includes, but
29 is not limited to, the arresting officer, occurrence witness,
30 or the alleged victim of the offense; or .

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

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

2 (720 ILCS 5/12-7) (from Ch. 38, par. 12-7)

3 Sec. 12-7. Compelling confession or information by force or
4 threat.

5 (a) A person who, with intent to obtain a confession,
6 statement or information regarding any offense, knowingly
7 inflicts or threatens imminent bodily ~~to inflict physical~~ harm
8 upon the person threatened or upon any other person commits the
9 offense of compelling a confession or information by force or
10 threat.

11 (b) Sentence.

12 Compelling a confession or information is a: (1) Class 4
13 felony if the defendant threatens imminent bodily harm to
14 obtain a confession, statement, or information but does not
15 inflict bodily harm on the victim, (2) Class 3 felony if the
16 defendant inflicts bodily harm on the victim to obtain a
17 confession, statement, or information, and (3) Class 2 felony
18 if the defendant inflicts great bodily harm to obtain a
19 confession, statement, or information.

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

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

23 (735 ILCS 5/13-202) (from Ch. 110, par. 13-202)

24 Sec. 13-202. Personal injury - Penalty. Actions for damages
25 for an injury to the person, or for false imprisonment, or
26 malicious prosecution, or for a statutory penalty, or for
27 abduction, or for seduction, or for criminal conversation,
28 except damages resulting from first degree murder or the
29 commission of a Class X felony and the perpetrator thereof is
30 convicted of such crime, shall be commenced within 2 years next
31 after the cause of action accrued but such an action against a
32 defendant arising from a crime committed by the defendant in
33 whose name an escrow account was established under the

1 "Criminal Victims' Escrow Account Act" shall be commenced
2 within 2 years after the establishment of such account. If the
3 compelling of a confession or information by imminent bodily
4 harm or threat of imminent bodily harm results in whole or in
5 part in a criminal prosecution of the plaintiff, the 2-year
6 period set out in this Section shall be tolled during the time
7 in which the plaintiff is incarcerated, or until criminal
8 prosecution has been finally adjudicated in favor of the above
9 referred plaintiff, whichever is later. However, this
10 provision relating to the compelling of a confession or
11 information shall not apply to units of local government
12 subject to the Local Governmental and Governmental Employees
13 Tort Immunity Act.

14 (Source: P.A. 84-1450.)