

1 AN ACT concerning civil law.

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 changing Section 13-202.1 as follows:

6 (735 ILCS 5/13-202.1) (from Ch. 110, par. 13-202.1)

7 Sec. 13-202.1. No limitations on certain actions - Duties
8 of Department of Corrections and State's Attorneys.

9 (a) Notwithstanding any other provision of law, any action
10 for damages against a person, however the action may be
11 designated, may be brought at any time if --

12 (1) the action is based upon conduct of a person which
13 constituted the commission of first degree murder, a Class
14 X felony, or a Class 1 felony as these terms are utilized
15 at the time of filing of the action; and

16 (2) the person was convicted of the first degree
17 murder, Class X felony, or Class 1 felony.

18 (b) The provisions of this Section are fully applicable to
19 convictions based upon defendant's accountability under
20 Section 5-2 of the Criminal Code of 1961, approved July 28,
21 1961, as amended.

22 (c) Paragraphs (a) and (b) above shall apply to any cause
23 of action regardless of the date on which the defendant's

1 conduct is alleged to have occurred or of the date of any
2 conviction resulting therefrom. In addition, this Section
3 shall be applied retroactively and shall revive causes of
4 actions which otherwise may have been barred under limitations
5 provisions in effect prior to the enactment and/or effect of
6 P.A. 84-1450.

7 (d) Whenever there is any settlement, verdict or judgment
8 in excess of \$500 in any court against the Department of
9 Corrections or any past or present employee or official in
10 favor of any person for damages incurred while the person was
11 committed to the Department of Corrections, the Department
12 within 14 days of the settlement, verdict or judgment shall
13 notify the State's Attorney of the county from which the person
14 was committed to the Department. The State's Attorney shall in
15 turn within 14 days after receipt of the notice send the same
16 notice to the person or persons who were the victim or victims
17 of the crime for which the offender was committed, at their
18 last known address, along with the information that the victim
19 or victims should ~~may~~ contact a private attorney to advise them
20 of their rights under the law ~~the State's Attorney for advice~~
21 ~~concerning their rights to sue for damages under the law. If so~~
22 ~~requested, the State's Attorney's office shall provide such~~
23 ~~advice, but in no instance may the State's Attorney institute a~~
24 ~~civil action for damages on behalf of the victim or victims.~~

25 (e) Whenever there is any settlement, verdict or judgment
26 in excess of \$500 in any court against any county or county

1 sheriff or any past or present employee or official in favor of
2 any person for damages incurred while the person was
3 incarcerated in any county jail, the county or county sheriff,
4 within 14 days of the settlement, verdict or judgment shall
5 notify the State's Attorney of the county from which the person
6 was incarcerated in the county jail. The State's Attorney shall
7 within 14 days of receipt of the notice send the same notice to
8 the person or persons who were the victim or victims of the
9 crime for which the offender was committed, at their last known
10 address, along with the information that the victim or victims
11 should contact a private attorney to advise them of their
12 rights under the law.

13 (f) No civil action may be brought by anyone against the
14 Department of Corrections, a State's Attorney, a County, a
15 county sheriff, or any past or present employee or agent
16 thereof for any alleged violation by any such entity or person
17 of the notification requirements imposed by ~~this~~ paragraph (d)
18 or (e).

19 (Source: P.A. 89-8, eff. 3-21-95; 90-655, eff. 7-30-98.)