

1 AN ACT concerning the disclosure of information.

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

4 Section 1. This Act may be referred to as Molly's Law.

5 Section 5. The Wrongful Death Act is amended by changing
6 Section 2 as follows:

7 (740 ILCS 180/2) (from Ch. 70, par. 2)

8 Sec. 2. (a) Every such action shall be brought by and in
9 the names of the personal representatives of such deceased
10 person, and, except as otherwise hereinafter provided, the
11 amount recovered in every such action shall be for the
12 exclusive benefit of the surviving spouse and next of kin of
13 such deceased person. In every such action the jury may give
14 such damages as they shall deem a fair and just compensation
15 with reference to the pecuniary injuries resulting from such
16 death, including damages for grief, sorrow, and mental
17 suffering, to the surviving spouse and next of kin of such
18 deceased person.

19 (b) The amount recovered in any such action shall be
20 distributed by the court in which the cause is heard or, in the
21 case of an agreed settlement, by the circuit court, to each of
22 the surviving spouse and next of kin of such deceased person in

1 the proportion, as determined by the court, that the percentage
2 of dependency of each such person upon the deceased person
3 bears to the sum of the percentages of dependency of all such
4 persons upon the deceased person.

5 (c) Where the deceased person left no surviving spouse or
6 next of kin entitled to recovery, the damages shall, subject to
7 the following limitations inure, to the exclusive benefit of
8 the following persons, or any one or more of them:

9 (1) ~~(a)~~ to the person or persons furnishing
10 hospitalization or hospital services in connection with
11 the last illness or injury of the deceased person, not
12 exceeding \$450;

13 (2) ~~(b)~~ to the person or persons furnishing medical or
14 surgical services in connection with such last illness or
15 injury, not exceeding \$450;

16 (3) ~~(c)~~ to the personal representatives, as such, for
17 the costs and expenses of administering the estate and
18 prosecuting or compromising the action, including a
19 reasonable attorney's fee. In any such case the measure of
20 damages to be recovered shall be the total of the
21 reasonable value of such hospitalization or hospital
22 service, medical and surgical services, funeral expenses,
23 and such costs and expenses of administration, including
24 attorney fees, not exceeding the foregoing limitations for
25 each class of such expenses and not exceeding \$900 plus a
26 reasonable attorney's fee.

1 (d) Except as otherwise provided in subsection (e) of this
2 Section, every ~~Every~~ such action shall be commenced within 2
3 years after the death of such person but an action against a
4 defendant arising from a crime committed by the defendant in
5 whose name an escrow account was established under the
6 "Criminal Victims' Escrow Account Act" shall be commenced
7 within 2 years after the establishment of such account.

8 (e) An action may be brought within 5 years after the date
9 of the death if the death is the result of violent intentional
10 conduct or within one year after the final disposition of the
11 criminal case if the defendant is charged with:

12 (1) first degree murder under Section 9-1 of the
13 Criminal Code of 2012;

14 (2) intentional homicide of an unborn child under
15 Section 9-1.2 of the Criminal Code of 2012;

16 (3) second degree murder under Section 9-2 of the
17 Criminal Code of 2012;

18 (4) voluntary manslaughter of an unborn child under
19 Section 9-2.1 of the Criminal Code of 2012;

20 (5) involuntary manslaughter or reckless homicide
21 under Section 9-3 of the Criminal Code of 2012;

22 (6) involuntary manslaughter or reckless homicide of
23 an unborn child under Section 9-3.2 of the Criminal Code of
24 2012; or

25 (7) drug-induced homicide under Section 9-3.3 of the
26 Criminal Code of 2012.

1 This subsection extends the statute of limitations only
2 against the individual who allegedly committed a violent
3 intentional act or was the defendant charged with a crime
4 listed in this subsection. It does not extend the statute of
5 limitations against any other person or entity. The changes to
6 this Section made by this amendatory Act of the 99th General
7 Assembly apply to causes of action arising on or after the
8 effective date of this amendatory Act of the 99th General
9 Assembly.

10 (f) For the purposes of this Section 2, next of kin
11 includes an adopting parent and an adopted child, and they
12 shall be treated as a natural parent and a natural child,
13 respectively. However, if a person entitled to recover benefits
14 under this Act, is, at the time the cause of action accrued,
15 within the age of 18 years, he or she may cause such action to
16 be brought within 2 years after attainment of the age of 18.

17 (g) In any such action to recover damages, it shall not be
18 a defense that the death was caused in whole or in part by the
19 contributory negligence of one or more of the beneficiaries on
20 behalf of whom the action is brought, but the amount of damages
21 given shall be reduced in the following manner.

22 (h) The trier of fact shall first determine the decedent's
23 contributory fault in accordance with Sections 2-1116 and
24 2-1107.1 of the Code of Civil Procedure. Recovery of damages
25 shall be barred or diminished accordingly. The trier of fact
26 shall then determine the contributory fault, if any, of each

1 beneficiary on behalf of whom the action was brought:

2 (1) Where the trier of fact finds that the contributory
3 fault of a beneficiary on whose behalf the action is
4 brought is not more than 50% of the proximate cause of the
5 wrongful death of the decedent, then the damages allowed to
6 that beneficiary shall be diminished in proportion to the
7 contributory fault attributed to that beneficiary. The
8 amount of the reduction shall not be payable by any
9 defendant.

10 (2) Where the trier of fact finds that the contributory
11 fault of a beneficiary on whose behalf the action is
12 brought is more than 50% of the proximate cause of the
13 wrongful death of the decedent, then the beneficiary shall
14 be barred from recovering damages and the amount of damages
15 which would have been payable to that beneficiary, but for
16 the beneficiary's contributory fault, shall not inure to
17 the benefit of the remaining beneficiaries and shall not be
18 payable by any defendant.

19 (i) The trial judge shall conduct a hearing to determine
20 the degree of dependency of each beneficiary upon the decedent.
21 The trial judge shall calculate the amount of damages to be
22 awarded each beneficiary, taking into account any reduction
23 arising from either the decedent's or the beneficiary's
24 contributory fault.

25 (j) This amendatory Act of the 91st General Assembly
26 applies to all actions pending on or filed after the effective

1 date of this amendatory Act.

2 (k) This amendatory Act of the 95th General Assembly
3 applies to causes of actions accruing on or after its effective
4 date.

5 (Source: P.A. 95-3, eff. 5-31-07.)