



Rep. Constance A. Howard

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LRB094 18851 RLC 60614 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 by force or threat
11 of imminent physical harm may bring a civil action for damages,
12 injunctive relief, or other appropriate relief. Upon a finding
13 of liability, the court shall award actual damages, including
14 damages for emotional distress, punitive damages, when
15 appropriate, and any suitable equitable relief. A judgment in
16 favor of the prevailing plaintiff shall include an award for
17 reasonable attorney's fees and costs.

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

24 (c) For purposes of this Section, "retaliatory action"

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

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

14 (720 ILCS 5/3-7) (from Ch. 38, par. 3-7)

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

16 The period within which a prosecution must be commenced
17 does not include any period in which:

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

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

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

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

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

5 (f) The victim of unlawful force or threats to obtain
6 information or a confession is incarcerated, and the victim of
7 such force or threat is incarcerated as a consequence of this
8 unlawful conduct (whether the incarceration is directly or
9 indirectly, in whole or in part, the result of the unlawful
10 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, inflicts or
17 threatens to inflict imminent physical harm upon the person
18 threatened or upon any other person commits the offense of
19 compelling a confession or information by force or threat.

20 (b) Sentence.

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

30 (c) For purposes of this Section, "torture" means an act
31 committed by a person acting under the color of law
32 specifically intended to inflict severe and prolonged physical
33 pain or suffering (other than pain or suffering incidental to

1 lawful sanctions) upon another person within his or her custody
2 or physical control.

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

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

6 (735 ILCS 5/13-202) (from Ch. 110, par. 13-202)

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

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