



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

**HB4450**

Introduced 1/16/2008, by Rep. Mike Fortner

#### SYNOPSIS AS INTRODUCED:

735 ILCS 5/13-202.1

from Ch. 110, par. 13-202.1

Amends the Code of Civil Procedure. Provides that whenever there is a settlement with or a verdict or judgment against a county, county sheriff, or county employee of \$500 or more with a person for damages incurred while the person was incarcerated in a county jail, the sheriff shall notify the States' Attorney who in turn shall notify any victim of a crime for which the person was taken into custody that there has been that type of settlement, verdict, or judgment. Provides that the State's Attorney shall advise the victim of the rights which the victim may have against the person, but the State's Attorney shall not file a civil action for the victim.

LRB095 17173 AJO 43231 b

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, along with  
18 the information that the victim or victims may contact the  
19 State's Attorney for advice concerning their rights to sue for  
20 damages under the law. If so requested, the State's Attorney's  
21 office shall provide such advice, but in no instance may the  
22 State's Attorney institute a civil action for damages on behalf  
23 of the victim or victims.

24 (e) Whenever there is any settlement, verdict or judgment  
25 in excess of \$500 in any court against any county or county  
26 sheriff or any past or present employee or official in favor of

1 any person for damages incurred while the person was  
2 incarcerated in any county jail, the county or county sheriff,  
3 within 14 days of the settlement, verdict or judgment shall  
4 notify the State's Attorney of the county from which the person  
5 was incarcerated in the county jail. The State's Attorney shall  
6 within 14 days of receipt of the notice send the same notice to  
7 the person or persons who were the victim or victims of the  
8 crime for which the offender was committed, along with the  
9 information that the victim or victims may contact the State's  
10 Attorney for advice concerning their rights to sue for damages  
11 under the law. If so requested, the State's Attorney's office  
12 shall provide such advice but in no instance may the State's  
13 Attorney institute a civil action for damages on behalf of the  
14 victim or victims.

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

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