

AN ACT concerning civil law.

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

Section 5. The Code of Civil Procedure is amended by changing Section 13-202.1 as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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