

LONG TERM CARE & SENIOR LIVING BLOG

Illinois Wrongful Death Statute Extended in Violent Crime Circumstances

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Effective January 1, 2017, Illinois will enact Molly's Law, which extends the time period in which a victim's family can file a wrongful death lawsuit in situations where the victim dies as the result of an act that was intentional and violent in nature.

This law was introduced by State Representative Terri Bryant (R-Murphysboro) in February 2016. The law amends the current Wrongful Death statute of limitations from two years to five years for scenarios where the death is the result of violent intentional conduct or within one year after the final disposition of the criminal case if the defendant is charged with first degree murder, intentional homicide of an unborn child, second degree murder, voluntary manslaughter of an unborn child, involuntary manslaughter or reckless homicide, involuntary manslaughter or reckless homicide of an unborn child, or drug-induced homicide.

This revision extends the current statute of limitations only against individuals who allegedly committed a violent intentional act or where the defendant was charged with a crime as listed above. It is important to note this revision does not extend the statute of limitations against any other person or entity. In particular, it does not appear it would apply in nursing home negligence or medical malpractice actions.

The revision will apply to all causes of actions arising on or after January 1, 2017.