



Rep. Jay Hoffman

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10000HB3629ham002

LRB100 08999 RLC 24698 a

1 AMENDMENT TO HOUSE BILL 3629

2 AMENDMENT NO. _____. Amend House Bill 3629 by replacing
3 lines 2 through 24 on page 13 and all of pages 14 through 16
4 with the following:

5 "Section 10. The Code of Civil Procedure is amended by
6 changing Section 13-202.2 as follows:

7 (735 ILCS 5/13-202.2) (from Ch. 110, par. 13-202.2)

8 Sec. 13-202.2. Childhood sexual abuse.

9 (a) In this Section:

10 "Childhood sexual abuse" means an act of sexual abuse that
11 occurs when the person abused is under 18 years of age.
12 "Childhood sexual abuse" includes an act committed against a
13 victim under 18 years of age in violation of Section 10-9 of
14 the Criminal Code of 2012.

15 "Sexual abuse" includes but is not limited to sexual
16 conduct and sexual penetration as defined in Section 11-0.1 of

1 the Criminal Code of 2012.

2 (b) Notwithstanding any other provision of law, an action
3 for damages for personal injury based on childhood sexual abuse
4 must be commenced within 20 years of the date the limitation
5 period begins to run under subsection (d) or within 20 years of
6 the date the person abused discovers or through the use of
7 reasonable diligence should discover both (i) that the act of
8 childhood sexual abuse occurred and (ii) that the injury was
9 caused by the childhood sexual abuse. The fact that the person
10 abused discovers or through the use of reasonable diligence
11 should discover that the act of childhood sexual abuse occurred
12 is not, by itself, sufficient to start the discovery period
13 under this subsection (b). Knowledge of the abuse does not
14 constitute discovery of the injury or the causal relationship
15 between any later-discovered injury and the abuse.

16 (c) If the injury is caused by 2 or more acts of childhood
17 sexual abuse that are part of a continuing series of acts of
18 childhood sexual abuse by the same abuser, then the discovery
19 period under subsection (b) shall be computed from the date the
20 person abused discovers or through the use of reasonable
21 diligence should discover both (i) that the last act of
22 childhood sexual abuse in the continuing series occurred and
23 (ii) that the injury was caused by any act of childhood sexual
24 abuse in the continuing series. The fact that the person abused
25 discovers or through the use of reasonable diligence should
26 discover that the last act of childhood sexual abuse in the

1 continuing series occurred is not, by itself, sufficient to
2 start the discovery period under subsection (b). Knowledge of
3 the abuse does not constitute discovery of the injury or the
4 causal relationship between any later-discovered injury and
5 the abuse.

6 (d) The limitation periods under subsection (b) do not
7 begin to run before the person abused attains the age of 18
8 years; and, if at the time the person abused attains the age of
9 18 years he or she is under other legal disability, the
10 limitation periods under subsection (b) do not begin to run
11 until the removal of the disability.

12 (d-1) The limitation periods in subsection (b) do not run
13 during a time period when the person abused is subject to
14 threats, intimidation, manipulation, or fraud perpetrated by
15 the abuser or by any person acting in the interest of the
16 abuser.

17 (e) This Section applies to actions pending on the
18 effective date of this amendatory Act of 1990 as well as to
19 actions commenced on or after that date. The changes made by
20 this amendatory Act of 1993 shall apply only to actions
21 commenced on or after the effective date of this amendatory Act
22 of 1993. The changes made by this amendatory Act of the 93rd
23 General Assembly apply to actions pending on the effective date
24 of this amendatory Act of the 93rd General Assembly as well as
25 actions commenced on or after that date. The changes made by
26 this amendatory Act of the 96th General Assembly apply to

1 actions commenced on or after the effective date of this
2 amendatory Act of the 96th General Assembly if the action would
3 not have been time barred under any statute of limitations or
4 statute of repose prior to the effective date of this
5 amendatory Act of the 96th General Assembly.

6 (f) Except as provided in subsection (g) of this Section,
7 notwithstanding ~~Notwithstanding~~ any other provision of law, an
8 action for damages based on childhood sexual abuse may be
9 commenced at any time; provided, however, that the changes made
10 by this amendatory Act of the 98th General Assembly apply to
11 actions commenced on or after the effective date of this
12 amendatory Act of the 98th General Assembly if the action would
13 not have been time barred under any statute of limitations or
14 statute of repose prior to the effective date of this
15 amendatory Act of the 98th General Assembly.

16 (g) Notwithstanding any other provision of law, an action
17 for damages based on childhood sexual abuse may be commenced at
18 any time; provided, however, that the changes made by this
19 amendatory Act of the 100th General Assembly apply to an action
20 for damages for personal injury based on childhood sexual abuse
21 arising on and after the effective date of this amendatory Act
22 of the 100th General Assembly, and to an action for damages for
23 personal injury based on childhood sexual abuse if the action
24 would not have been time barred under any statute of
25 limitations or statute of repose before the effective date of
26 this amendatory Act of the 100th General Assembly. The changes

1 made by this amendatory Act of the 100th General Assembly shall
2 not apply to an action for damages for personal injury based on
3 childhood sexual abuse if the action would have been time
4 barred under any statute of limitations or statute of repose
5 before the effective date of this amendatory Act of the 100th
6 General Assembly.

7 (Source: P.A. 97-1150, eff. 1-25-13; 98-276, eff. 1-1-14.)".