

104TH GENERAL ASSEMBLY**State of Illinois****2025 and 2026****HB4072**

Introduced 10/15/2025, by Rep. Curtis J. Tarver, II - Kelly M. Cassidy, Nicole La Ha, Tony M. McCombie, Edgar González, Jr., et al.

SYNOPSIS AS INTRODUCED:

705 ILCS 505/25

from Ch. 37, par. 439.24-5

Amends the Court of Claims Act. Provides that exhaustion of remedies is not required for any person who files a claim in the court for damages based on the Code of Civil Procedure provisions pertaining to actions for personal injury based on childhood sexual abuse. Contains a statement of findings and intent. Provides that the changes made by the amendatory Act applies to all actions pending or commenced on or after the effective date of the amendatory Act and to any action that would not have been time barred under the statute of limitations or statute of repose under the Code of Civil Procedure affecting childhood sexual abuse before the effective date of the amendatory Act.

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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 1. Findings; intent. The General Assembly finds
5 and declares that:

6 (1) All survivors of childhood sexual abuse have the
7 fundamental right to hold a party responsible for the harm
8 inflicted in their youth.

9 (2) Section 13-202.2 of the Code of Civil Procedure
10 was enacted to provide plaintiffs with the tools to
11 commence an action despite any statute of limitations or
12 other provision of law constituting a condition precedent
13 or hurdle to filing an action against any person or
14 institution when the plaintiff's harm is caused by
15 childhood sex abuse. The General Assembly did so by using
16 the preemptive language "notwithstanding any other
17 provision of law". The language "any other provision of
18 law" necessarily includes Court of Claims rules that would
19 hinder the commencement of an action, including, but not
20 limited to, the exhaustion of remedies provision.

21 (3) This Act is intended to be declarative of existing
22 law and to provide additional clarity that an action for
23 damages based on childhood sexual abuse may be commenced
24 at any time against any party, notwithstanding any other

1 provision of law, including, but not limited to, any law
2 requiring notice of claim, exhaustion of remedies, or
3 other condition precedent to the commencement of any
4 action.

5 Section 5. The Court of Claims Act is amended by changing
6 Section 25 as follows:

7 (705 ILCS 505/25) (from Ch. 37, par. 439.24-5)

8 Sec. 25. Any person who files a claim in the court shall,
9 before seeking final determination of his or her claim exhaust
10 all other remedies and sources of recovery whether
11 administrative or judicial; except that failure to file or
12 pursue actions against State employees, acting within the
13 scope of their employment, shall not be a defense. Exhaustion
14 of remedies shall not be required for any action commenced in
15 the court of claims for damages based on childhood sexual
16 abuse under Section 13-202.2 of the Code of Civil Procedure.
17 The changes made by this amendatory Act of the 104th General
18 Assembly apply to all actions pending or commenced on or after
19 the effective date of this amendatory Act of the 104th General
20 Assembly and to any action that would not have been time barred
21 under the statute of limitations or statute of repose under
22 Section 13-202.2 of the Code of Civil Procedure before the
23 effective date of this amendatory Act of the 104th General
24 Assembly.

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1 (Source: P.A. 83-345.)