



Rep. Curtis J. Tarver, II

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10300HB0222ham001

LRB103 03746 LNS 73811 a

1 AMENDMENT TO HOUSE BILL 222

2 AMENDMENT NO. _____. Amend House Bill 222 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Code of Civil Procedure is amended by
5 changing Section 2-1116 and by adding Article XXIII as
6 follows:

7 (735 ILCS 5/2-1116) (from Ch. 110, par. 2-1116)

8 (Text of Section WITHOUT the changes made by P.A. 89-7,
9 which has been held unconstitutional)

10 Sec. 2-1116. Limitation on recovery in tort actions.

11 In all actions on account of bodily injury or death or
12 physical damage to property, based on negligence, or product
13 liability based on strict tort liability, the plaintiff shall
14 be barred from recovering damages if the trier of fact finds
15 that the contributory fault on the part of the plaintiff is
16 more than 50% of the proximate cause of the injury or damage

1 for which recovery is sought. The plaintiff shall not be
2 barred from recovering damages if the trier of fact finds that
3 the contributory fault on the part of the plaintiff is not more
4 than 50% of the proximate cause of the injury or damage for
5 which recovery is sought, but any damages allowed shall be
6 diminished in the proportion to the amount of fault
7 attributable to the plaintiff.

8 No contributory fault may be attributed to a plaintiff
9 bringing an action for damages for personal injury based on
10 childhood sexual abuse as defined in Section 13-202.2.

11 (Source: P.A. 84-1431.)

12 (735 ILCS 5/Art. XXIII heading new)

13 ARTICLE XXIII.

14 SEXUAL ABUSE PER SE HARMFUL

15 (735 ILCS 5/23-101 new)

16 Sec. 23-101. Sexual abuse per se harmful. For an action
17 arising out of an injury caused by sexual conduct or sexual
18 penetration as defined in Section 11-0.1 of the Criminal Code
19 of 2012, if the plaintiff proves by a preponderance of the
20 evidence that the defendant committed childhood sexual abuse
21 as defined in Section 13-202.2 against the plaintiff, such
22 sexual conduct or sexual penetration shall be considered
23 obviously and materially harmful to the plaintiff and shall be
24 deemed by the court per se harmful and traumatic. The

1 plaintiff need not present additional evidence to prove they
2 were harmed. The plaintiff may present additional evidence to
3 show the extent of such harm.

4 This Section applies to causes of action arising on or
5 after the effective date of this amendatory Act of the 103rd
6 General Assembly or to causes of action for which the
7 limitation period has not yet expired.

8 Section 99. Effective date. This Act takes effect upon
9 becoming law."