

SB0153



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB0153

Introduced 1/25/2023, by Sen. Steve McClure

SYNOPSIS AS INTRODUCED:

735 ILCS 5/13-202.2

from Ch. 110, par. 13-202.2

Amends the Personal Actions Part of the Limitations Article of the Code of Civil Procedure. Provides that for purposes of making claims against a bankruptcy estate, an action for personal injury brought by a victim of childhood sexual abuse based on childhood sexual abuse, or an action brought by a victim of childhood sexual abuse asserting any claim resulting from childhood sexual abuse, may be brought at any time after the cause of action accrues.

LRB103 26378 LNS 52740 b

A BILL FOR

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

6 (735 ILCS 5/13-202.2) (from Ch. 110, par. 13-202.2)

7 Sec. 13-202.2. Childhood sexual abuse.

8 (a) In this Section:

9 "Childhood sexual abuse" means an act of sexual abuse that
10 occurs when the person abused is under 18 years of age.

11 "Sexual abuse" includes but is not limited to sexual
12 conduct and sexual penetration as defined in Section 11-0.1 of
13 the Criminal Code of 2012.

14 (b) Notwithstanding any other provision of law, an action
15 for damages for personal injury based on childhood sexual
16 abuse must be commenced within 20 years of the date the
17 limitation period begins to run under subsection (d) or within
18 20 years of the date the person abused discovers or through the
19 use of reasonable diligence should discover both (i) that the
20 act of childhood sexual abuse occurred and (ii) that the
21 injury was caused by the childhood sexual abuse. The fact that
22 the person abused discovers or through the use of reasonable
23 diligence should discover that the act of childhood sexual

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

6 (c) If the injury is caused by 2 or more acts of childhood
7 sexual abuse that are part of a continuing series of acts of
8 childhood sexual abuse by the same abuser, then the discovery
9 period under subsection (b) shall be computed from the date
10 the person abused discovers or through the use of reasonable
11 diligence should discover both (i) that the last act of
12 childhood sexual abuse in the continuing series occurred and
13 (ii) that the injury was caused by any act of childhood sexual
14 abuse in the continuing series. The fact that the person
15 abused discovers or through the use of reasonable diligence
16 should discover that the last act of childhood sexual abuse in
17 the continuing series occurred is not, by itself, sufficient
18 to start the discovery period under subsection (b). Knowledge
19 of the abuse does not constitute discovery of the injury or the
20 causal relationship between any later-discovered injury and
21 the abuse.

22 (d) The limitation periods under subsection (b) do not
23 begin to run before the person abused attains the age of 18
24 years; and, if at the time the person abused attains the age of
25 18 years he or she is under other legal disability, the
26 limitation periods under subsection (b) do not begin to run

1 until the removal of the disability.

2 (d-1) The limitation periods in subsection (b) do not run
3 during a time period when the person abused is subject to
4 threats, intimidation, manipulation, fraudulent concealment,
5 or fraud perpetrated by the abuser or by any person acting in
6 the interest of the abuser.

7 (e) This Section applies to actions pending on the
8 effective date of this amendatory Act of 1990 as well as to
9 actions commenced on or after that date. The changes made by
10 this amendatory Act of 1993 shall apply only to actions
11 commenced on or after the effective date of this amendatory
12 Act of 1993. The changes made by this amendatory Act of the
13 93rd General Assembly apply to actions pending on the
14 effective date of this amendatory Act of the 93rd General
15 Assembly as well as actions commenced on or after that date.
16 The changes made by this amendatory Act of the 96th General
17 Assembly apply to actions commenced on or after the effective
18 date of this amendatory Act of the 96th General Assembly if the
19 action would not have been time barred under any statute of
20 limitations or statute of repose prior to the effective date
21 of this amendatory Act of the 96th General Assembly.

22 (f) Notwithstanding any other provision of law, an action
23 for damages based on childhood sexual abuse may be commenced
24 at any time; provided, however, that the changes made by this
25 amendatory Act of the 98th General Assembly apply to actions
26 commenced on or after the effective date of this amendatory

1 Act of the 98th General Assembly if the action would not have
2 been time barred under any statute of limitations or statute
3 of repose prior to the effective date of this amendatory Act of
4 the 98th General Assembly.

5 (g) Notwithstanding any other provision of law, for
6 purposes of making claims against a bankruptcy estate, an
7 action for personal injury brought by a victim of childhood
8 sexual abuse based on childhood sexual abuse, or an action
9 brought by a victim of childhood sexual abuse asserting any
10 claim resulting from childhood sexual abuse, may be brought at
11 any time after the cause of action accrues.

12 (Source: P.A. 101-435, eff. 8-20-19.)