

1 AMENDMENT TO HOUSE BILL 2215

2 AMENDMENT NO. _____. Amend House Bill 2215 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 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
10 that 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 12-12 of
13 the Criminal Code of 1961.

14 (b) Notwithstanding any other provision of law, an
15 action for damages for personal injury based on childhood
16 sexual abuse must be commenced within 10 years of the date
17 the limitation period begins to run under subsection (d) or
18 within 10 2 years of the date the person abused discovers or
19 through the use of reasonable diligence should discover both
20 (i) that the act of childhood sexual abuse occurred and (ii)
21 that the injury was caused by the childhood sexual abuse. The
22 fact that the person abused discovers or through the use of

1 reasonable diligence should discover that the act of
2 childhood sexual abuse occurred is not, by itself, sufficient
3 to start the discovery period under this subsection (b).
4 Knowledge of the abuse does not constitute discovery of the
5 injury or the causal relationship between the injury and the
6 abuse. Knowledge that the injury was caused by the childhood
7 sexual abuse does not occur until the memory, knowledge,
8 understanding, acceptance, and volition of the person abused
9 have coalesced so as to enable the person abused to act.

10 (c) If the injury is caused by 2 or more acts of
11 childhood sexual abuse that are part of a continuing series
12 of acts of childhood sexual abuse by the same abuser, then
13 the discovery period under subsection (b) shall be computed
14 from the date the person abused discovers or through the use
15 of reasonable diligence should discover both (i) that the
16 last act of childhood sexual abuse in the continuing series
17 occurred and (ii) that the injury was caused by any act of
18 childhood sexual abuse in the continuing series. The fact
19 that the person abused discovers or through the use of
20 reasonable diligence should discover that the last act of
21 childhood sexual abuse in the continuing series occurred is
22 not, by itself, sufficient to start the discovery period
23 under subsection (b). Knowledge of the abuse does not
24 constitute discovery of the injury or the causal relationship
25 between the injury and the abuse. Knowledge that the injury
26 was caused by the childhood sexual abuse does not occur until
27 the memory, knowledge, understanding, acceptance, and
28 volition of the person abused have coalesced so as to enable
29 the person abused to act.

30 (d) The limitation periods under subsection (b) do not
31 begin to run before the person abused attains the age of 18
32 years; and, if at the time the person abused attains the age
33 of 18 years he or she is under other legal disability, the
34 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
3 run during a time period when the person abused is subject to
4 threats, intimidation, manipulation, or fraud perpetrated by
5 the abuser or by any person acting in the interest of the
6 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 (Source: P.A. 88-127.)

17 Section 99. Effective date. This Act takes effect upon
18 becoming law."