

1 AN ACT in relation to child abuse.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Abused and Neglected Child Reporting Act
5 is amended by changing Section 4 as follows:

6 (325 ILCS 5/4) (from Ch. 23, par. 2054)

7 Sec. 4. Persons required to report; privileged
8 communications; transmitting false report. Any physician,
9 resident, intern, hospital, hospital administrator and
10 personnel engaged in examination, care and treatment of
11 persons, surgeon, dentist, dentist hygienist, osteopath,
12 chiropractor, podiatrist, physician assistant, substance
13 abuse treatment personnel, ~~Christian--Science--practitioner~~,
14 funeral home director or employee, coroner, medical examiner,
15 emergency medical technician, acupuncturist, crisis line or
16 hotline personnel, school personnel, educational advocate
17 assigned to a child pursuant to the School Code, truant
18 officers, social worker, social services administrator,
19 domestic violence program personnel, registered nurse,
20 licensed practical nurse, respiratory care practitioner,
21 advanced practice nurse, home health aide, director or staff
22 assistant of a nursery school or a child day care center,
23 recreational program or facility personnel, law enforcement
24 officer, registered psychologist and assistants working
25 under the direct supervision of a psychologist, psychiatrist,
26 or field personnel of the Illinois Department of Public Aid,
27 Public Health, Human Services (acting as successor to the
28 Department of Mental Health and Developmental Disabilities,
29 Rehabilitation Services, or Public Aid), Corrections, Human
30 Rights, or Children and Family Services, supervisor and
31 administrator of general assistance under the Illinois Public

1 Aid Code, probation officer, or any other foster parent,
2 homemaker or child care worker having reasonable cause to
3 believe a child known to them in their professional or
4 official capacity may be an abused child or a neglected child
5 shall immediately report or cause a report to be made to the
6 Department.

7 Any member of the clergy having reasonable cause to
8 believe that a child known to that member of the clergy in
9 his or her professional capacity may be an abused child as
10 defined in item (c) of the definition of "abused child" in
11 Section 3 of this Act shall immediately report or cause a
12 report to be made to the Department.

13 Whenever such person is required to report under this Act
14 in his capacity as a member of the staff of a medical or
15 other public or private institution, school, facility or
16 agency, or as a member of the clergy, he shall make report
17 immediately to the Department in accordance with the
18 provisions of this Act and may also notify the person in
19 charge of such institution, school, facility or agency, or
20 church, synagogue, temple, mosque, or other religious
21 institution, or his designated agent that such report has
22 been made. Under no circumstances shall any person in charge
23 of such institution, school, facility or agency, or church,
24 synagogue, temple, mosque, or other religious institution, or
25 his designated agent to whom such notification has been made,
26 exercise any control, restraint, modification or other change
27 in the report or the forwarding of such report to the
28 Department.

29 The privileged quality of communication between any
30 professional person required to report and his patient or
31 client shall not apply to situations involving abused or
32 neglected children and shall not constitute grounds for
33 failure to report as required by this Act.

34 A member of the clergy may claim the privilege under

1 Section 8-803 of the Code of Civil Procedure.

2 In addition to the above persons required to report
3 suspected cases of abused or neglected children, any other
4 person may make a report if such person has reasonable cause
5 to believe a child may be an abused child or a neglected
6 child.

7 Any person who enters into employment on and after July
8 1, 1986 and is mandated by virtue of that employment to
9 report under this Act, shall sign a statement on a form
10 prescribed by the Department, to the effect that the employee
11 has knowledge and understanding of the reporting requirements
12 of this Act. The statement shall be signed prior to
13 commencement of the employment. The signed statement shall
14 be retained by the employer. The cost of printing,
15 distribution, and filing of the statement shall be borne by
16 the employer.

17 The Department shall provide copies of this Act, upon
18 request, to all employers employing persons who shall be
19 required under the provisions of this Section to report under
20 this Act.

21 Any person who knowingly transmits a false report to the
22 Department commits the offense of disorderly conduct under
23 subsection (a)(7) of Section 26-1 of the "Criminal Code of
24 1961". Any person who violates this provision a second or
25 subsequent time shall be guilty of a Class 4 felony.

26 Any person who knowingly and willfully violates any
27 provision of this Section other than a second or subsequent
28 violation of transmitting a false report as described in the
29 preceding paragraph, is guilty of a Class A misdemeanor for a
30 first violation and a Class 4 felony for a second or
31 subsequent violation.

32 A child whose parent, guardian or custodian in good faith
33 selects and depends upon spiritual means through prayer
34 alone for the treatment or cure of disease or remedial care

1 may be considered neglected or abused, but not for the sole
2 reason that his parent, guardian or custodian accepts and
3 practices such beliefs.

4 A child shall not be considered neglected or abused
5 solely because the child is not attending school in
6 accordance with the requirements of Article 26 of the School
7 Code, as amended.

8 (Source: P.A. 91-259, eff. 1-1-00; 91-516, eff. 8-13-99;
9 92-16, eff. 6-28-01; 92-801, eff. 8-16-02.)

10 Section 10. The Criminal Code of 1961 is amended by
11 changing Section 3-6 as follows:

12 (720 ILCS 5/3-6) (from Ch. 38, par. 3-6)

13 Sec. 3-6. Extended limitations. The period within which
14 a prosecution must be commenced under the provisions of
15 Section 3-5 or other applicable statute is extended under the
16 following conditions:

17 (a) A prosecution for theft involving a breach of a
18 fiduciary obligation to the aggrieved person may be commenced
19 as follows:

20 (1) If the aggrieved person is a minor or a person
21 under legal disability, then during the minority or legal
22 disability or within one year after the termination
23 thereof.

24 (2) In any other instance, within one year after
25 the discovery of the offense by an aggrieved person, or
26 by a person who has legal capacity to represent an
27 aggrieved person or has a legal duty to report the
28 offense, and is not himself or herself a party to the
29 offense; or in the absence of such discovery, within one
30 year after the proper prosecuting officer becomes aware
31 of the offense. However, in no such case is the period of
32 limitation so extended more than 3 years beyond the

1 expiration of the period otherwise applicable.

2 (b) A prosecution for any offense based upon misconduct
3 in office by a public officer or employee may be commenced
4 within one year after discovery of the offense by a person
5 having a legal duty to report such offense, or in the absence
6 of such discovery, within one year after the proper
7 prosecuting officer becomes aware of the offense. However, in
8 no such case is the period of limitation so extended more
9 than 3 years beyond the expiration of the period otherwise
10 applicable.

11 (c) Except as otherwise provided in subsection (a) of
12 Section 3-5 of this Code and subdivision (i) or (j) of this
13 Section, a prosecution for any offense involving sexual
14 conduct or sexual penetration, as defined in Section 12-12 of
15 this Code, where the victim and defendant are family members,
16 as defined in Section 12-12 of this Code, may be commenced
17 within one year of the victim attaining the age of 18 years.

18 (d) A prosecution for child pornography, indecent
19 solicitation of a child, soliciting for a juvenile
20 prostitute, juvenile pimping or exploitation of a child may
21 be commenced within one year of the victim attaining the age
22 of 18 years. However, in no such case shall the time period
23 for prosecution expire sooner than 3 years after the
24 commission of the offense. When the victim is under 18 years
25 of age, a prosecution for criminal sexual abuse may be
26 commenced within one year of the victim attaining the age of
27 18 years. However, in no such case shall the time period for
28 prosecution expire sooner than 3 years after the commission
29 of the offense.

30 (e) Except as otherwise provided in subdivision (j), a
31 prosecution for any offense involving sexual conduct or
32 sexual penetration, as defined in Section 12-12 of this Code,
33 where the defendant was within a professional or fiduciary
34 relationship or a purported professional or fiduciary

1 relationship with the victim at the time of the commission of
2 the offense may be commenced within one year after the
3 discovery of the offense by the victim.

4 (f) A prosecution for any offense set forth in Section
5 44 of the "Environmental Protection Act", approved June 29,
6 1970, as amended, may be commenced within 5 years after the
7 discovery of such an offense by a person or agency having the
8 legal duty to report the offense or in the absence of such
9 discovery, within 5 years after the proper prosecuting
10 officer becomes aware of the offense.

11 (g) (Blank).

12 (h) (Blank).

13 (i) Except as otherwise provided in subdivision (j), a
14 prosecution for criminal sexual assault, aggravated criminal
15 sexual assault, or aggravated criminal sexual abuse may be
16 commenced within 10 years of the commission of the offense if
17 the victim reported the offense to law enforcement
18 authorities within 2 years after the commission of the
19 offense.

20 Nothing in this subdivision (i) shall be construed to
21 shorten a period within which a prosecution must be commenced
22 under any other provision of this Section.

23 (j) When the victim is under 18 years of age at the time
24 of the offense, a prosecution for criminal sexual assault,
25 aggravated criminal sexual assault, predatory criminal sexual
26 assault of a child, or aggravated criminal sexual abuse or a
27 prosecution for failure of a person who is required to report
28 an alleged or suspected commission of any of these offenses
29 under the Abused and Neglected Child Reporting Act may be
30 commenced within 20 years ~~10-years~~ after the child victim
31 attains 18 years of age.

32 Nothing in this subdivision (j) shall be construed to
33 shorten a period within which a prosecution must be commenced
34 under any other provision of this Section.

1 (Source: P.A. 91-475, eff. 1-1-00; 91-801, eff. 6-13-00;
2 92-752, eff. 8-2-02; 92-801, eff. 8-16-02; revised 9-11-02.)

3 Section 15. The Code of Civil Procedure is amended by
4 changing Section 13-202.2 as follows:

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

7 (a) In this Section:

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

10 "Sexual abuse" includes but is not limited to sexual
11 conduct and sexual penetration as defined in Section 12-12 of
12 the Criminal Code of 1961.

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

28 (c) If the injury is caused by 2 or more acts of
29 childhood sexual abuse that are part of a continuing series
30 of acts of childhood sexual abuse by the same abuser, then
31 the discovery period under subsection (b) shall be computed
32 from the date the person abused discovers or through the use

1 of reasonable diligence should discover both (i) that the
2 last act of childhood sexual abuse in the continuing series
3 occurred and (ii) that the injury was caused by any act of
4 childhood sexual abuse in the continuing series. The fact
5 that the person abused discovers or through the use of
6 reasonable diligence should discover that the last act of
7 childhood sexual abuse in the continuing series occurred is
8 not, by itself, sufficient to start the discovery period
9 under subsection (b). Knowledge of the abuse does not
10 constitute discovery of the injury or the causal relationship
11 between any later-discovered injury and the abuse.

12 (d) The limitation periods under subsection (b) do not
13 begin to run before the person abused attains the age of 18
14 years; and, if at the time the person abused attains the age
15 of 18 years he or she is under other legal disability, the
16 limitation periods under subsection (b) do not begin to run
17 until the removal of the disability.

18 (d-1) The limitation periods in subsection (b) do not
19 run during a time period when the person abused is subject to
20 threats, intimidation, manipulation, or fraud perpetrated by
21 the abuser or by any person acting in the interest of the
22 abuser.

23 (e) This Section applies to actions pending on the
24 effective date of this amendatory Act of 1990 as well as to
25 actions commenced on or after that date. The changes made by
26 this amendatory Act of 1993 shall apply only to actions
27 commenced on or after the effective date of this amendatory
28 Act of 1993. The changes made by this amendatory Act of the
29 93rd General Assembly apply to actions pending on the
30 effective date of this amendatory Act of the 93rd General
31 Assembly as well as actions commenced on or after that date.

32 (Source: P.A. 88-127.)

33 Section 99. Effective date. This Act takes effect upon

1 becoming law.