

1 AMENDMENT TO SENATE BILL 1035

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1035 as follows:  
3 by replacing the title with the following:

4 "AN ACT to amend certain Acts in relation to abuse of  
5 children."; and

6 by replacing everything after the enacting clause with the  
7 following:

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

10 (325 ILCS 5/4) (from Ch. 23, par. 2054)

11 Sec. 4. Persons required to report; privileged  
12 communications; transmitting false report. Any physician,  
13 resident, intern, hospital, hospital administrator and  
14 hospital personnel engaged in examination, care and treatment  
15 of persons, surgeon, dentist, dentist hygienist, osteopath,  
16 chiropractor, podiatrist, physician assistant, substance  
17 abuse treatment personnel, Christian Science practitioner,  
18 funeral home director or employee, coroner, medical examiner,  
19 emergency medical technician, acupuncturist, crisis line or  
20 hotline personnel, school personnel, educational advocate  
21 assigned to a child pursuant to the School Code, truant

1 officers, social worker, social services administrator,  
2 domestic violence program personnel, registered nurse,  
3 licensed practical nurse, respiratory care practitioner,  
4 advanced practice nurse, home health aide, director or staff  
5 assistant of a nursery school or a child day care center,  
6 recreational program or facility personnel, law enforcement  
7 officer, registered psychologist and assistants working  
8 under the direct supervision of a psychologist, psychiatrist,  
9 or field personnel of the Illinois Department of Public Aid,  
10 Public Health, Human Services (acting as successor to the  
11 Department of Mental Health and Developmental Disabilities,  
12 Rehabilitation Services, or Public Aid), Corrections, Human  
13 Rights, or Children and Family Services, supervisor and  
14 administrator of general assistance under the Illinois Public  
15 Aid Code, probation officer, or any other foster parent,  
16 homemaker or child care worker having reasonable cause to  
17 believe a child known to them in their professional or  
18 official capacity may be an abused child or a neglected child  
19 shall immediately report or cause a report to be made to the  
20 Department.

21 Any member of the clergy having reasonable cause to  
22 believe that a child known to that member of the clergy in  
23 his or her professional capacity may be an abused child as  
24 defined in item (c) of the definition of "abused child" in  
25 Section 3 of this Act shall immediately report or cause a  
26 report to be made to the Department.

27 Whenever such person is required to report under this Act  
28 in his capacity as a member of the staff of a medical or  
29 other public or private institution, school, facility or  
30 agency, or as a member of the clergy, he shall make report  
31 immediately to the Department in accordance with the  
32 provisions of this Act and may also notify the person in  
33 charge of such institution, school, facility or agency, or  
34 church, synagogue, temple, mosque, or other religious

1 institution, or his designated agent that such report has  
2 been made. Under no circumstances shall any person in charge  
3 of such institution, school, facility or agency, or church,  
4 synagogue, temple, mosque, or other religious institution, or  
5 his designated agent to whom such notification has been made,  
6 exercise any control, restraint, modification or other change  
7 in the report or the forwarding of such report to the  
8 Department.

9 The privileged quality of communication between any  
10 professional person required to report and his patient or  
11 client shall not apply to situations involving abused or  
12 neglected children and shall not constitute grounds for  
13 failure to report as required by this Act.

14 A member of the clergy may claim the privilege under  
15 Section 8-803 of the Code of Civil Procedure.

16 In addition to the above persons required to report  
17 suspected cases of abused or neglected children, any other  
18 person may make a report if such person has reasonable cause  
19 to believe a child may be an abused child or a neglected  
20 child.

21 Any person who enters into employment on and after July  
22 1, 1986 and is mandated by virtue of that employment to  
23 report under this Act, shall sign a statement on a form  
24 prescribed by the Department, to the effect that the employee  
25 has knowledge and understanding of the reporting requirements  
26 of this Act. The statement shall be signed prior to  
27 commencement of the employment. The signed statement shall  
28 be retained by the employer. The cost of printing,  
29 distribution, and filing of the statement shall be borne by  
30 the employer.

31 The Department shall provide copies of this Act, upon  
32 request, to all employers employing persons who shall be  
33 required under the provisions of this Section to report under  
34 this Act.

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

6 Any person who knowingly and willfully violates any  
7 provision of this Section other than a second or subsequent  
8 violation of transmitting a false report as described in the  
9 preceding paragraph, is guilty of a Class A misdemeanor for a  
10 first violation and a Class 4 felony for a second or  
11 subsequent violation.

12 A child whose parent, guardian or custodian in good faith  
13 selects and depends upon spiritual means through prayer  
14 alone for the treatment or cure of disease or remedial care  
15 may be considered neglected or abused, but not for the sole  
16 reason that his parent, guardian or custodian accepts and  
17 practices such beliefs.

18 A child shall not be considered neglected or abused  
19 solely because the child is not attending school in  
20 accordance with the requirements of Article 26 of the School  
21 Code, as amended.

22 (Source: P.A. 91-259, eff. 1-1-00; 91-516, eff. 8-13-99;  
23 92-16, eff. 6-28-01; 92-801, eff. 8-16-02.)

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

26 (720 ILCS 5/3-6) (from Ch. 38, par. 3-6)

27 Sec. 3-6. Extended limitations. The period within which  
28 a prosecution must be commenced under the provisions of  
29 Section 3-5 or other applicable statute is extended under the  
30 following conditions:

31 (a) A prosecution for theft involving a breach of a  
32 fiduciary obligation to the aggrieved person may be commenced

1 as follows:

2 (1) If the aggrieved person is a minor or a person  
3 under legal disability, then during the minority or legal  
4 disability or within one year after the termination  
5 thereof.

6 (2) In any other instance, within one year after  
7 the discovery of the offense by an aggrieved person, or  
8 by a person who has legal capacity to represent an  
9 aggrieved person or has a legal duty to report the  
10 offense, and is not himself or herself a party to the  
11 offense; or in the absence of such discovery, within one  
12 year after the proper prosecuting officer becomes aware  
13 of the offense. However, in no such case is the period of  
14 limitation so extended more than 3 years beyond the  
15 expiration of the period otherwise applicable.

16 (b) A prosecution for any offense based upon misconduct  
17 in office by a public officer or employee may be commenced  
18 within one year after discovery of the offense by a person  
19 having a legal duty to report such offense, or in the absence  
20 of such discovery, within one year after the proper  
21 prosecuting officer becomes aware of the offense. However, in  
22 no such case is the period of limitation so extended more  
23 than 3 years beyond the expiration of the period otherwise  
24 applicable.

25 (c) Except as otherwise provided in subsection (a) of  
26 Section 3-5 of this Code and subdivision (i) or (j) of this  
27 Section, a prosecution for any offense involving sexual  
28 conduct or sexual penetration, as defined in Section 12-12 of  
29 this Code, where the victim and defendant are family members,  
30 as defined in Section 12-12 of this Code, may be commenced  
31 within one year of the victim attaining the age of 18 years.

32 (d) A prosecution for child pornography, indecent  
33 solicitation of a child, soliciting for a juvenile  
34 prostitute, juvenile pimping or exploitation of a child may

1 be commenced within one year of the victim attaining the age  
2 of 18 years. However, in no such case shall the time period  
3 for prosecution expire sooner than 3 years after the  
4 commission of the offense. When the victim is under 18 years  
5 of age, a prosecution for criminal sexual abuse may be  
6 commenced within one year of the victim attaining the age of  
7 18 years. However, in no such case shall the time period for  
8 prosecution expire sooner than 3 years after the commission  
9 of the offense.

10 (e) Except as otherwise provided in subdivision (j), a  
11 prosecution for any offense involving sexual conduct or  
12 sexual penetration, as defined in Section 12-12 of this Code,  
13 where the defendant was within a professional or fiduciary  
14 relationship or a purported professional or fiduciary  
15 relationship with the victim at the time of the commission of  
16 the offense may be commenced within one year after the  
17 discovery of the offense by the victim.

18 (f) A prosecution for any offense set forth in Section  
19 44 of the "Environmental Protection Act", approved June 29,  
20 1970, as amended, may be commenced within 5 years after the  
21 discovery of such an offense by a person or agency having the  
22 legal duty to report the offense or in the absence of such  
23 discovery, within 5 years after the proper prosecuting  
24 officer becomes aware of the offense.

25 (g) (Blank).

26 (h) (Blank).

27 (i) Except as otherwise provided in subdivision (j), a  
28 prosecution for criminal sexual assault, aggravated criminal  
29 sexual assault, or aggravated criminal sexual abuse may be  
30 commenced within 10 years of the commission of the offense if  
31 the victim reported the offense to law enforcement  
32 authorities within 2 years after the commission of the  
33 offense.

34 Nothing in this subdivision (i) shall be construed to

1 shorten a period within which a prosecution must be commenced  
2 under any other provision of this Section.

3 (j) If When the victim is under 18 years of age at the  
4 time of the offense, a prosecution for criminal sexual  
5 assault, aggravated criminal sexual assault, predatory  
6 criminal sexual assault of a child, or aggravated criminal  
7 sexual abuse or a prosecution for failure of a person who is  
8 required to report an alleged or suspected commission of any  
9 of these offenses under the Abused and Neglected Child  
10 Reporting Act may be commenced within 10 years after the  
11 child victim attains 18 years of age.

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

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

17 Section 15. The Code of Civil Procedure is amended by  
18 changing Sections 8-803 and 13-202.2 as follows:

19 (735 ILCS 5/8-803) (from Ch. 110, par. 8-803)  
20 Sec. 8-803. Clergy.

21 A clergyman or practitioner of any religious denomination  
22 accredited by the religious body to which he or she belongs,  
23 may ~~shall~~ not be compelled to disclose in any court, or to  
24 any administrative board or agency, or to any public officer,  
25 a confession or admission made to him or her in his or her  
26 professional character or as a spiritual advisor in the  
27 course of the discipline enjoined by the rules or practices  
28 of such religious body or of the religion which he or she  
29 professes, nor be compelled to divulge any information which  
30 has been obtained by him or her in such professional  
31 character or as such spiritual advisor.

32 (Source: P.A. 82-280.)

1 (735 ILCS 5/13-202.2) (from Ch. 110, par. 13-202.2)  
2 Sec. 13-202.2. Childhood sexual abuse.

3 (a) In this Section:

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

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

9 (b) An action for damages for personal injury based on  
10 childhood sexual abuse must be commenced within 2 years of  
11 the date the person abused discovers or through the use of  
12 reasonable diligence should discover that the act of  
13 childhood sexual abuse occurred and that the injury was  
14 caused by the childhood sexual abuse.

15 (c) If the injury is caused by 2 or more acts of  
16 childhood sexual abuse that are part of a continuing series  
17 of acts of childhood sexual abuse by the same abuser, then  
18 the discovery period under subsection (b) shall be computed  
19 from the date the person abused discovers or through the use  
20 of reasonable diligence should discover (i) that the last act  
21 of childhood sexual abuse in the continuing series occurred  
22 and (ii) that the injury was caused by any act of childhood  
23 sexual abuse in the continuing series.

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

30 (e) This Section applies to actions pending on the  
31 effective date of this amendatory Act of 1990 as well as to  
32 actions commenced on or after that date. The changes made by  
33 this amendatory Act of 1993 shall apply only to actions  
34 commenced on or after the effective date of this amendatory



1 Act of 1993.

2 (Source: P.A. 88-127.)".