

1                                   AMENDMENT TO SENATE BILL 1035

2           AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1035, AS AMENDED,  
3 as follows:

4 by replacing the title with the following:

5           "AN ACT in relation to child abuse."; and

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

8           "Section 5. The Criminal Code of 1961 is amended by  
9 changing Section 3-6 as follows:

10           (720 ILCS 5/3-6) (from Ch. 38, par. 3-6)

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

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

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

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

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

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

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

1 commenced within one year of the victim attaining the age of  
2 18 years. However, in no such case shall the time period for  
3 prosecution expire sooner than 3 years after the commission  
4 of the offense.

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

13 (f) A prosecution for any offense set forth in Section  
14 44 of the "Environmental Protection Act", approved June 29,  
15 1970, as amended, may be commenced within 5 years after the  
16 discovery of such an offense by a person or agency having the  
17 legal duty to report the offense or in the absence of such  
18 discovery, within 5 years after the proper prosecuting  
19 officer becomes aware of the offense.

20 (g) (Blank).

21 (h) (Blank).

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

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

32 (j) When the victim is under 18 years of age at the time  
33 of the offense, a prosecution for criminal sexual assault,  
34 aggravated criminal sexual assault, predatory criminal sexual

1 assault of a child, or aggravated criminal sexual abuse or a  
2 prosecution for failure of a person who is required to report  
3 an alleged or suspected commission of any of these offenses  
4 under the Abused and Neglected Child Reporting Act may be  
5 commenced within 20 years ~~10-years~~ after the child victim  
6 attains 18 years of age.

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

10 (Source: P.A. 91-475, eff. 1-1-00; 91-801, eff. 6-13-00;  
11 92-752, eff. 8-2-02; 92-801, eff. 8-16-02; revised  
12 9-11-02.)".

13 Section 10. The Code of Civil Procedure is amended by  
14 changing Section 13-202.2 as follows:

15 (735 ILCS 5/13-202.2) (from Ch. 110, par. 13-202.2)

16 Sec. 13-202.2. Childhood sexual abuse.

17 (a) In this Section:

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

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

23 (b) Notwithstanding any other provision of law, an  
24 action for damages for personal injury based on childhood  
25 sexual abuse must be commenced within 10 years of the date  
26 the limitation period begins to run under subsection (d) or  
27 within 5 2 years of the date the person abused discovers or  
28 through the use of reasonable diligence should discover both  
29 (i) that the act of childhood sexual abuse occurred and (ii)  
30 that the injury was caused by the childhood sexual abuse. The  
31 fact that the person abused discovers or through the use of  
32 reasonable diligence should discover that the act of

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

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

28 (d-1) The limitation periods in subsection (b) do not  
29 run during a time period when the person abused is subject to  
30 threats, intimidation, manipulation, or fraud perpetrated by  
31 the abuser or by any person acting in the interest of the  
32 abuser.

33 (e) This Section applies to actions pending on the  
34 effective date of this amendatory Act of 1990 as well as to

1 actions commenced on or after that date. The changes made by  
2 this amendatory Act of 1993 shall apply only to actions  
3 commenced on or after the effective date of this amendatory  
4 Act of 1993. The changes made by this amendatory Act of the  
5 93rd General Assembly apply to actions pending on the  
6 effective date of this amendatory Act of the 93rd General  
7 Assembly as well as actions commenced on or after that date.

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

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