

SB1399



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB1399

Introduced 2/6/2013, by Sen. Terry Link

SYNOPSIS AS INTRODUCED:

735 ILCS 5/13-202.2

from Ch. 110, par. 13-202.2

Amends the Code of Civil Procedure. Replaces the provisions of the Section concerning actions for damages for personal injury based on childhood sexual abuse with language providing that an action for damages based on childhood sexual abuse may be commenced at any time. Provides that the changes made by the amendatory Act apply to actions pending on the effective date of the Act and to actions commenced on or after that date.

LRB098 10033 HEP 40192 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) (Blank) ~~Notwithstanding any other provision of law, an~~
15 ~~action for damages for personal injury based on childhood~~
16 ~~sexual 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 injury~~
21 ~~was caused by the childhood sexual abuse. The fact that the~~
22 ~~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 causal~~
4 ~~relationship between any later discovered injury and the~~
5 ~~abuse.~~

6 (c) (Blank) ~~If the injury is caused by 2 or more acts of~~
7 ~~childhood sexual abuse that are part of a continuing series of~~
8 ~~acts of childhood sexual abuse by the same abuser, then the~~
9 ~~discovery period under subsection (b) shall be computed from~~
10 ~~the date the person abused discovers or through the use of~~
11 ~~reasonable diligence should discover both (i) that the last act~~
12 ~~of 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 abused~~
15 ~~discovers or through the use of reasonable diligence should~~
16 ~~discover that the last act of childhood sexual abuse in the~~
17 ~~continuing series occurred is not, by itself, sufficient to~~
18 ~~start the discovery period under subsection (b). Knowledge of~~
19 ~~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) (Blank) ~~The limitation periods under subsection (b) do~~
23 ~~not 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) (Blank) ~~The limitation periods in subsection (b) do~~
3 ~~not run during a time period when the person abused is subject~~
4 ~~to threats, intimidation, manipulation, or fraud perpetrated~~
5 ~~by the abuser or by any person acting in the interest of the~~
6 ~~abuser.~~

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

22 (f) An action for damages based on childhood sexual abuse
23 may be commenced at any time.

24 (g) The changes made by this amendatory Act of the 98th
25 General Assembly apply to actions pending on the effective date
26 of this amendatory Act of the 98th General Assembly and to

1 actions commenced on or after that date.

2 (Source: P.A. 96-1093, eff. 1-1-11; 96-1551, eff. 7-1-11;

3 97-1150, eff. 1-25-13.)