



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB6124

Introduced 2/11/2010, by Rep. Greg Harris

SYNOPSIS AS INTRODUCED:

735 ILCS 5/13-202.2

from Ch. 110, par. 13-202.2

Amends the Code of Civil Procedure. Provides that an action for damages for personal injury based on childhood sexual abuse must be commenced within 20 (instead of 10) years of the date the limitation period begins to run or within 20 (instead of 5) years of the date the person abused discovers or through the use of reasonable diligence should discover that the act of childhood sexual abuse occurred and the injury was caused by that abuse. The changes made apply to actions pending on the effective date as well as actions commenced on or after that date.

LRB096 16795 AJO 32102 b

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 12-12 of
13 the Criminal Code of 1961.

14 (b) Notwithstanding any other provision of law, an action
15 for damages for personal injury based on childhood sexual abuse
16 must be commenced within 20 ~~10~~ years of the date the limitation
17 period begins to run under subsection (d) or within 20 ~~5~~ years
18 of the date the person abused discovers or through the use of
19 reasonable diligence should discover both (i) that the act of
20 childhood sexual abuse occurred and (ii) that the injury was
21 caused by the childhood sexual abuse. The fact that the person
22 abused discovers or through the use of reasonable diligence
23 should discover that the act of childhood sexual abuse occurred

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

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

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

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

6 (e) This Section applies to actions pending on the
7 effective date of this amendatory Act of 1990 as well as to
8 actions commenced on or after that date. The changes made by
9 this amendatory Act of 1993 shall apply only to actions
10 commenced on or after the effective date of this amendatory Act
11 of 1993. The changes made by this amendatory Act of the 93rd
12 General Assembly apply to actions pending on the effective date
13 of this amendatory Act of the 93rd General Assembly as well as
14 actions commenced on or after that date. The changes made by
15 this amendatory Act of the 96th General Assembly apply to
16 actions pending on the effective date of this amendatory Act of
17 the 96th General Assembly as well as actions commenced on or
18 after that date.

19 (Source: P.A. 93-356, eff. 7-24-03.)