

AN ACT concerning civil law.

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

Section 5. The Code of Civil Procedure is amended by adding Part 28 to Article VIII as follows:

(735 ILCS 5/Art. VIII Pt. 28 heading new)

PART 28. PRIOR SEXUAL ACTIVITY OR REPUTATION AS EVIDENCE

(735 ILCS 5/8-2801 new)

Sec. 8-2801. Admissibility of evidence; prior sexual activity or reputation.

(a) Evidence generally inadmissible. The following evidence is not admissible in any civil proceeding except as provided in subsections (b) and (c):

(1) evidence offered to prove that any victim engaged in other sexual behavior; or

(2) evidence offered to prove any victim's sexual predisposition.

(b) Exceptions.

(1) In a civil case, the following evidence is admissible, if otherwise admissible under this Act:

(A) evidence of specific instances of sexual behavior by the victim offered to prove that a person

other than the accused was the source of semen, injury, or other physical evidence; and

(B) evidence of specific instances of sexual behavior by the victim with respect to the person accused of the sexual misconduct offered by the accused to prove consent by the victim.

(c) Procedure to determine admissibility.

(1) A party intending to offer evidence under subsection (b) must:

(A) file a written motion at least 14 days before trial specifically describing the evidence and stating the purpose for which it is offered unless the court, for good cause requires a different time for filing or permits filing during trial; and

(B) serve the motion on all parties and notify the victim or, when appropriate, the victim's guardian or representative.

(2) Before admitting evidence under this Section the court must conduct a hearing in camera and afford the victim and parties a right to attend and be heard. The motion, related papers, and the record of the hearing must be sealed and remain under seal unless the court orders otherwise.

(740 ILCS 22/212 rep.)

Section 10. The Civil No Contact Order Act is amended by

Public Act 096-0307

HB3794 Enrolled

LRB096 11666 AJO 22274 b

repealing Section 212.