

1 AMENDMENT TO HOUSE BILL 2215

2 AMENDMENT NO. _____. Amend House Bill 2215 by replacing
3 everything after the enacting clause with the following:

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
10 that 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
15 action for damages for personal injury based on childhood
16 sexual abuse must be commenced within the later of: (1) 10
17 years of the date the limitation period begins to run under
18 subsection (d); or (2) 5 2 years of the date the person
19 abused discovers or through the use of reasonable diligence
20 should discover both (i) that the act of childhood sexual
21 abuse occurred and (ii) that the injury was caused by the
22 childhood sexual abuse. The fact that the person abused

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

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

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

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

34 (e) This Section applies to actions pending on the

1 effective date of this amendatory Act of 1990 as well as to
2 actions commenced on or after that date. The changes made by
3 this amendatory Act of 1993 shall apply only to actions
4 commenced on or after the effective date of this amendatory
5 Act of 1993. The changes made by this amendatory Act of the
6 93rd General Assembly apply to actions pending on the
7 effective date of this amendatory Act of the 93rd General
8 Assembly as well as actions commenced on or after that date.
9 (Source: P.A. 88-127.)

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