

SB1868



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB1868

Introduced 2/15/2019, by Sen. Terry Link

SYNOPSIS AS INTRODUCED:

735 ILCS 5/13-202.2

from Ch. 110, par. 13-202.2

Amends the Limitations Article of the Code of Civil Procedure. Provides that if there is evidence that childhood sexual abuse was committed by a person who holds a position of trust, authority, or supervision over the minor victim, and that person fraudulently concealed a cause of action from the knowledge of the minor victim, the action may be commenced at any time within 5 years after the person entitled to bring the action discovers that he or she has such cause of action, and any repose or limitation period is tolled during that 5-year period. Effective immediately.

LRB101 10914 LNS 56064 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 1. Findings. Credible reports from around the
5 world, including this State, have indicated instances of repeat
6 childhood sexual abuse have occurred at the hands of members of
7 the Catholic Church. These reports have indicated efforts may
8 have been taken to conceal the identities and conduct of the
9 individuals responsible for the sexual abuse. The General
10 Assembly finds that victims of such conduct should be afforded
11 a remedy to the fullest extent available under the law.

12 Section 5. The Code of Civil Procedure is amended by
13 changing Section 13-202.2 as follows:

14 (735 ILCS 5/13-202.2) (from Ch. 110, par. 13-202.2)

15 Sec. 13-202.2. Childhood sexual abuse.

16 (a) In this Section:

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

19 "Sexual abuse" includes but is not limited to sexual
20 conduct and sexual penetration as defined in Section 11-0.1 of
21 the Criminal Code of 2012.

22 (b) Notwithstanding any other provision of law, an action

1 for damages for personal injury based on childhood sexual abuse
2 must be commenced within 20 years of the date the limitation
3 period begins to run under subsection (d) or within 20 years of
4 the date the person abused discovers or through the use of
5 reasonable diligence should discover both (i) that the act of
6 childhood sexual abuse occurred and (ii) that the injury was
7 caused by the childhood sexual abuse. The fact that the person
8 abused discovers or through the use of reasonable diligence
9 should discover that the act of childhood sexual abuse occurred
10 is not, by itself, sufficient to start the discovery period
11 under this subsection (b). Knowledge of the abuse does not
12 constitute discovery of the injury or the causal relationship
13 between any later-discovered injury and the abuse.

14 (c) If the injury is caused by 2 or more acts of childhood
15 sexual abuse that are part of a continuing series of acts of
16 childhood sexual abuse by the same abuser, then the discovery
17 period under subsection (b) shall be computed from the date the
18 person abused discovers or through the use of reasonable
19 diligence should discover both (i) that the last act of
20 childhood sexual abuse in the continuing series occurred and
21 (ii) that the injury was caused by any act of childhood sexual
22 abuse in the continuing series. The fact that the person abused
23 discovers or through the use of reasonable diligence should
24 discover that the last act of childhood sexual abuse in the
25 continuing series occurred is not, by itself, sufficient to
26 start the discovery period under subsection (b). Knowledge of

1 the abuse does not constitute discovery of the injury or the
2 causal relationship between any later-discovered injury and
3 the abuse.

4 (d) The limitation periods under subsection (b) do not
5 begin to run before the person abused attains the age of 18
6 years; and, if at the time the person abused attains the age of
7 18 years he or she is under other legal disability, the
8 limitation periods under subsection (b) do not begin to run
9 until the removal of the disability.

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

15 (e) This Section applies to actions pending on the
16 effective date of this amendatory Act of 1990 as well as to
17 actions commenced on or after that date. The changes made by
18 this amendatory Act of 1993 shall apply only to actions
19 commenced on or after the effective date of this amendatory Act
20 of 1993. The changes made by this amendatory Act of the 93rd
21 General Assembly apply to actions pending on the effective date
22 of this amendatory Act of the 93rd General Assembly as well as
23 actions commenced on or after that date. The changes made by
24 this amendatory Act of the 96th General Assembly apply to
25 actions commenced on or after the effective date of this
26 amendatory Act of the 96th General Assembly if the action would

1 not have been time barred under any statute of limitations or
2 statute of repose prior to the effective date of this
3 amendatory Act of the 96th General Assembly.

4 (f) Notwithstanding any other provision of law, an action
5 for damages based on childhood sexual abuse may be commenced at
6 any time; provided, however, that the changes made by this
7 amendatory Act of the 98th General Assembly apply to actions
8 commenced on or after the effective date of this amendatory Act
9 of the 98th General Assembly if the action would not have been
10 time barred under any statute of limitations or statute of
11 repose prior to the effective date of this amendatory Act of
12 the 98th General Assembly.

13 (g) If there is evidence that the sexual abuse was
14 committed by a person who holds a position of trust, authority,
15 or supervision in relation to the minor victim, and that person
16 fraudulently concealed a cause of action under this Section
17 from the knowledge of the minor victim, the action may be
18 commenced at any time within 5 years after the person entitled
19 to bring the action discovers that he or she has such cause of
20 action, and any repose or limitation period is tolled during
21 that 5-year period.

22 (Source: P.A. 97-1150, eff. 1-25-13; 98-276, eff. 1-1-14.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.