



Sen. Terry Link

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10100SB1868sam001

LRB101 10914 LNS 57851 a

1 AMENDMENT TO SENATE BILL 1868

2 AMENDMENT NO. _____. Amend Senate Bill 1868 by replacing
3 everything after the enacting clause with the following:

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 clergymen.
7 These reports have also indicated efforts may have been taken
8 to conceal the identities and conduct of the individuals
9 responsible for the sexual abuse. The General Assembly finds
10 that victims of such conduct should be afforded a remedy to the
11 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.

1 (a) In this Section:

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

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

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

21 (c) If the injury is caused by 2 or more acts of childhood
22 sexual abuse that are part of a continuing series of acts of
23 childhood sexual abuse by the same abuser, then the discovery
24 period under subsection (b) shall be computed from the date the
25 person abused discovers or through the use of reasonable
26 diligence should discover both (i) that the last act of

1 childhood sexual abuse in the continuing series occurred and
2 (ii) that the injury was caused by any act of childhood sexual
3 abuse in the continuing series. The fact that the person abused
4 discovers or through the use of reasonable diligence should
5 discover that the last act of childhood sexual abuse in the
6 continuing series occurred is not, by itself, sufficient to
7 start the discovery period under subsection (b). Knowledge of
8 the abuse does not constitute discovery of the injury or the
9 causal relationship between any later-discovered injury and
10 the abuse.

11 (d) The limitation periods under subsection (b) do not
12 begin to run before the person abused attains the age of 18
13 years; and, if at the time the person abused attains the age of
14 18 years he or she is under other legal disability, the
15 limitation periods under subsection (b) do not begin to run
16 until the removal of the disability.

17 (d-1) The limitation periods in subsection (b) do not run
18 during a time period when the person abused is subject to
19 threats, intimidation, manipulation, fraudulent concealment,
20 or fraud perpetrated by the abuser or by any person acting in
21 the interest of the abuser.

22 (e) This Section applies to actions pending on the
23 effective date of this amendatory Act of 1990 as well as to
24 actions commenced on or after that date. The changes made by
25 this amendatory Act of 1993 shall apply only to actions
26 commenced on or after the effective date of this amendatory Act

1 of 1993. The changes made by this amendatory Act of the 93rd
2 General Assembly apply to actions pending on the effective date
3 of this amendatory Act of the 93rd General Assembly as well as
4 actions commenced on or after that date. The changes made by
5 this amendatory Act of the 96th General Assembly apply to
6 actions commenced on or after the effective date of this
7 amendatory Act of the 96th General Assembly if the action would
8 not have been time barred under any statute of limitations or
9 statute of repose prior to the effective date of this
10 amendatory Act of the 96th General Assembly.

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

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

21 Section 99. Effective date. This Act takes effect upon
22 becoming law."