

HB1275



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB1275

Introduced 1/31/2023, by Rep. Amy Elik

SYNOPSIS AS INTRODUCED:

735 ILCS 5/2-1116

from Ch. 110, par. 2-1116

Amends the Code of Civil Procedure. Provides that no contributory fault may be attributed to a plaintiff bringing an action for damages for personal injury based on childhood sexual abuse as defined. Effective immediately.

LRB103 04788 LNS 49798 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 5. The Code of Civil Procedure is amended by
5 changing Section 2-1116 as follows:

6 (735 ILCS 5/2-1116) (from Ch. 110, par. 2-1116)

7 (Text of Section WITHOUT the changes made by P.A. 89-7,
8 which has been held unconstitutional)

9 Sec. 2-1116. Limitation on recovery in tort actions.

10 In all actions on account of bodily injury or death or
11 physical damage to property, based on negligence, or product
12 liability based on strict tort liability, the plaintiff shall
13 be barred from recovering damages if the trier of fact finds
14 that the contributory fault on the part of the plaintiff is
15 more than 50% of the proximate cause of the injury or damage
16 for which recovery is sought. The plaintiff shall not be
17 barred from recovering damages if the trier of fact finds that
18 the contributory fault on the part of the plaintiff is not more
19 than 50% of the proximate cause of the injury or damage for
20 which recovery is sought, but any damages allowed shall be
21 diminished in the proportion to the amount of fault
22 attributable to the plaintiff.

23 No contributory fault may be attributed to a plaintiff

1 bringing an action for damages for personal injury based on
2 childhood sexual abuse as defined in Section 13-202.2.

3 (Source: P.A. 84-1431.)

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.