

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 10 years of the date  
17 the limitation period begins to run under subsection (d) or  
18 within 5 2 years of the date the person abused discovers or  
19 through the use of reasonable diligence should discover both  
20 (i) that the act of childhood sexual abuse occurred and (ii)  
21 that the injury was caused by the childhood sexual abuse. The  
22 fact that the person abused discovers or through the use of

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