

1 AN ACT in relation to child abuse.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Abused and Neglected Child Reporting Act
5 is amended by changing Section 4 as follows:

6 (325 ILCS 5/4) (from Ch. 23, par. 2054)

7 Sec. 4. Persons required to report; privileged
8 communications; transmitting false report. Any physician,
9 resident, intern, hospital, hospital administrator and
10 personnel engaged in examination, care and treatment of
11 persons, surgeon, dentist, dentist hygienist, osteopath,
12 chiropractor, podiatrist, physician assistant, substance
13 abuse treatment personnel, Christian Science practitioner,
14 funeral home director or employee, coroner, medical examiner,
15 emergency medical technician, acupuncturist, crisis line or
16 hotline personnel, school personnel, educational advocate
17 assigned to a child pursuant to the School Code, truant
18 officers, social worker, social services administrator,
19 domestic violence program personnel, registered nurse,
20 licensed practical nurse, respiratory care practitioner,
21 advanced practice nurse, home health aide, director or staff
22 assistant of a nursery school or a child day care center,
23 recreational program or facility personnel, law enforcement
24 officer, registered psychologist and assistants working
25 under the direct supervision of a psychologist, psychiatrist,
26 or field personnel of the Illinois Department of Public Aid,
27 Public Health, Human Services (acting as successor to the
28 Department of Mental Health and Developmental Disabilities,
29 Rehabilitation Services, or Public Aid), Corrections, Human
30 Rights, or Children and Family Services, supervisor and
31 administrator of general assistance under the Illinois Public

1 Aid Code, probation officer, or any other foster parent,
2 homemaker or child care worker having reasonable cause to
3 believe a child known to them in their professional or
4 official capacity may be an abused child or a neglected child
5 shall immediately report or cause a report to be made to the
6 Department.

7 Any member of the clergy having reasonable cause to
8 believe that a child known to that member of the clergy in
9 his or her professional capacity may be an abused child as
10 defined in item (c) of the definition of "abused child" in
11 Section 3 of this Act shall immediately report or cause a
12 report to be made to the Department.

13 Whenever such person is required to report under this Act
14 in his capacity as a member of the staff of a medical or
15 other public or private institution, school, facility or
16 agency, or as a member of the clergy, he shall make report
17 immediately to the Department in accordance with the
18 provisions of this Act and may also notify the person in
19 charge of such institution, school, facility or agency, or
20 church, synagogue, temple, mosque, or other religious
21 institution, or his designated agent that such report has
22 been made. Under no circumstances shall any person in charge
23 of such institution, school, facility or agency, or church,
24 synagogue, temple, mosque, or other religious institution, or
25 his designated agent to whom such notification has been made,
26 exercise any control, restraint, modification or other change
27 in the report or the forwarding of such report to the
28 Department.

29 The privileged quality of communication between any
30 professional person required to report and his patient or
31 client shall not apply to situations involving abused or
32 neglected children and shall not constitute grounds for
33 failure to report as required by this Act.

34 Except as otherwise provided in subsection (b) of Section

1 8-803 of the Code of Civil Procedure, a member of the clergy
2 may claim the privilege under Section 8-803 of the Code of
3 Civil Procedure.

4 In addition to the above persons required to report
5 suspected cases of abused or neglected children, any other
6 person may make a report if such person has reasonable cause
7 to believe a child may be an abused child or a neglected
8 child.

9 Any person who enters into employment on and after July
10 1, 1986 and is mandated by virtue of that employment to
11 report under this Act, shall sign a statement on a form
12 prescribed by the Department, to the effect that the employee
13 has knowledge and understanding of the reporting requirements
14 of this Act. The statement shall be signed prior to
15 commencement of the employment. The signed statement shall
16 be retained by the employer. The cost of printing,
17 distribution, and filing of the statement shall be borne by
18 the employer.

19 The Department shall provide copies of this Act, upon
20 request, to all employers employing persons who shall be
21 required under the provisions of this Section to report under
22 this Act.

23 Any person who knowingly transmits a false report to the
24 Department commits the offense of disorderly conduct under
25 subsection (a)(7) of Section 26-1 of the "Criminal Code of
26 1961". Any person who violates this provision a second or
27 subsequent time shall be guilty of a Class 4 felony.

28 Any person who knowingly and willfully violates any
29 provision of this Section other than a second or subsequent
30 violation of transmitting a false report as described in the
31 preceding paragraph, is guilty of a Class A misdemeanor for a
32 first violation and a Class 4 felony for a second or
33 subsequent violation.

34 A child whose parent, guardian or custodian in good faith

1 selects and depends upon spiritual means through prayer
2 alone for the treatment or cure of disease or remedial care
3 may be considered neglected or abused, but not for the sole
4 reason that his parent, guardian or custodian accepts and
5 practices such beliefs.

6 A child shall not be considered neglected or abused
7 solely because the child is not attending school in
8 accordance with the requirements of Article 26 of the School
9 Code, as amended.

10 (Source: P.A. 91-259, eff. 1-1-00; 91-516, eff. 8-13-99;
11 92-16, eff. 6-28-01; 92-801, eff. 8-16-02.)

12 Section 10. The Criminal Code of 1961 is amended by
13 changing Section 3-6 as follows:

14 (720 ILCS 5/3-6) (from Ch. 38, par. 3-6)

15 Sec. 3-6. Extended limitations. The period within which
16 a prosecution must be commenced under the provisions of
17 Section 3-5 or other applicable statute is extended under the
18 following conditions:

19 (a) A prosecution for theft involving a breach of a
20 fiduciary obligation to the aggrieved person may be commenced
21 as follows:

22 (1) If the aggrieved person is a minor or a person
23 under legal disability, then during the minority or legal
24 disability or within one year after the termination
25 thereof.

26 (2) In any other instance, within one year after
27 the discovery of the offense by an aggrieved person, or
28 by a person who has legal capacity to represent an
29 aggrieved person or has a legal duty to report the
30 offense, and is not himself or herself a party to the
31 offense; or in the absence of such discovery, within one
32 year after the proper prosecuting officer becomes aware

1 of the offense. However, in no such case is the period of
2 limitation so extended more than 3 years beyond the
3 expiration of the period otherwise applicable.

4 (b) A prosecution for any offense based upon misconduct
5 in office by a public officer or employee may be commenced
6 within one year after discovery of the offense by a person
7 having a legal duty to report such offense, or in the absence
8 of such discovery, within one year after the proper
9 prosecuting officer becomes aware of the offense. However, in
10 no such case is the period of limitation so extended more
11 than 3 years beyond the expiration of the period otherwise
12 applicable.

13 (c) Except as otherwise provided in subsection (a) of
14 Section 3-5 of this Code and subdivision (i) or (j) of this
15 Section, a prosecution for any offense involving sexual
16 conduct or sexual penetration, as defined in Section 12-12 of
17 this Code, where the victim and defendant are family members,
18 as defined in Section 12-12 of this Code, may be commenced
19 within one year of the victim attaining the age of 18 years.

20 (d) A prosecution for child pornography, indecent
21 solicitation of a child, soliciting for a juvenile
22 prostitute, juvenile pimping or exploitation of a child may
23 be commenced within one year of the victim attaining the age
24 of 18 years. However, in no such case shall the time period
25 for prosecution expire sooner than 3 years after the
26 commission of the offense. When the victim is under 18 years
27 of age, a prosecution for criminal sexual abuse may be
28 commenced within one year of the victim attaining the age of
29 18 years. However, in no such case shall the time period for
30 prosecution expire sooner than 3 years after the commission
31 of the offense.

32 (e) Except as otherwise provided in subdivision (j), a
33 prosecution for any offense involving sexual conduct or
34 sexual penetration, as defined in Section 12-12 of this Code,

1 where the defendant was within a professional or fiduciary
2 relationship or a purported professional or fiduciary
3 relationship with the victim at the time of the commission of
4 the offense may be commenced within one year after the
5 discovery of the offense by the victim.

6 (f) A prosecution for any offense set forth in Section
7 44 of the "Environmental Protection Act", approved June 29,
8 1970, as amended, may be commenced within 5 years after the
9 discovery of such an offense by a person or agency having the
10 legal duty to report the offense or in the absence of such
11 discovery, within 5 years after the proper prosecuting
12 officer becomes aware of the offense.

13 (g) (Blank).

14 (h) (Blank).

15 (i) Except as otherwise provided in subdivision (j), a
16 prosecution for criminal sexual assault, aggravated criminal
17 sexual assault, or aggravated criminal sexual abuse may be
18 commenced within 10 years of the commission of the offense if
19 the victim reported the offense to law enforcement
20 authorities within 2 years after the commission of the
21 offense.

22 Nothing in this subdivision (i) shall be construed to
23 shorten a period within which a prosecution must be commenced
24 under any other provision of this Section.

25 (j) When the victim is under 18 years of age at the time
26 of the offense, a prosecution for criminal sexual assault,
27 aggravated criminal sexual assault, predatory criminal sexual
28 assault of a child, or aggravated criminal sexual abuse or a
29 prosecution for failure of a person who is required to report
30 an alleged or suspected commission of any of these offenses
31 under the Abused and Neglected Child Reporting Act may be
32 commenced at any time ~~within 10 years after the child victim~~
33 ~~attains 18 years of age.~~

34 Nothing in this subdivision (j) shall be construed to

1 shorten a period within which a prosecution must be commenced
2 under any other provision of this Section.

3 (Source: P.A. 91-475, eff. 1-1-00; 91-801, eff. 6-13-00;
4 92-752, eff. 8-2-02; 92-801, eff. 8-16-02; revised 9-11-02.)

5 Section 15. The Code of Civil Procedure is amended by
6 changing Sections 8-803 and 13-202.2 as follows:

7 (735 ILCS 5/8-803) (from Ch. 110, par. 8-803)

8 Sec. 8-803. Clergy.

9 (a) Except as otherwise provided in subsection (b), a
10 clergyman or practitioner of any religious denomination
11 accredited by the religious body to which he or she belongs,
12 shall not be compelled to disclose in any court, or to any
13 administrative board or agency, or to any public officer, a
14 confession or admission made to him or her in his or her
15 professional character or as a spiritual advisor in the
16 course of the discipline enjoined by the rules or practices
17 of such religious body or of the religion which he or she
18 professes, nor be compelled to divulge any information which
19 has been obtained by him or her in such professional
20 character or as such spiritual advisor.

21 (b) In an investigation or prosecution of a case
22 involving an abused child as defined in Section 3 of the
23 Abused and Neglected Child Reporting Act, a clergyman or
24 practitioner of any religious denomination accredited by the
25 religious body to which he or she belongs shall be compelled
26 to disclose in any court, or to any administrative board or
27 agency, or to any public officer, an admission made to him or
28 her in his or her capacity as an advisor not in the course of
29 the discipline enjoined by the rules or practices of the
30 religious body or religion to which the clergyman or
31 practitioner professes and shall be compelled to divulge that
32 information which has been obtained by him or her in that

1 capacity.

2 (Source: P.A. 82-280.)

3 (735 ILCS 5/13-202.2) (from Ch. 110, par. 13-202.2)

4 Sec. 13-202.2. Childhood sexual abuse.

5 (a) In this Section:

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

8 "Sexual abuse" includes but is not limited to sexual
9 conduct and sexual penetration as defined in Section 12-12 of
10 the Criminal Code of 1961.

11 (b) An action for damages for personal injury based on
12 childhood sexual abuse must be commenced at any time within 2
13 years of the date the person abused discovers or through the
14 use of reasonable diligence should discover that the act of
15 childhood sexual abuse occurred and that the injury was
16 caused by the childhood sexual abuse.

17 (c) (Blank) If the injury is caused by 2 or more acts of
18 childhood sexual abuse that are part of a continuing series
19 of acts of childhood sexual abuse by the same abuser, then
20 the discovery period under subsection (b) shall be computed
21 from the date the person abused discovers or through the use
22 of reasonable diligence should discover (i) that the last act
23 of childhood sexual abuse in the continuing series occurred
24 and (ii) that the injury was caused by any act of childhood
25 sexual abuse in the continuing series.

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

32 (e) This Section applies to actions pending on the
33 effective date of this amendatory Act of 1990 as well as to

1 actions commenced on or after that date. The changes made by
2 this amendatory Act of 1993 shall apply only to actions
3 commenced on or after the effective date of this amendatory
4 Act of 1993. The changes made by this amendatory Act of the
5 93rd General Assembly shall apply only to actions commenced
6 on or after the effective date of this amendatory Act of the
7 93rd General Assembly.

8 (Source: P.A. 88-127.)

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