

1 domestic violence program personnel, registered nurse,
2 licensed practical nurse, respiratory care practitioner,
3 advanced practice nurse, home health aide, director or staff
4 assistant of a nursery school or a child day care center,
5 recreational program or facility personnel, law enforcement
6 officer, registered psychologist and assistants working
7 under the direct supervision of a psychologist, psychiatrist,
8 or field personnel of the Illinois Department of Public Aid,
9 Public Health, Human Services (acting as successor to the
10 Department of Mental Health and Developmental Disabilities,
11 Rehabilitation Services, or Public Aid), Corrections, Human
12 Rights, or Children and Family Services, supervisor and
13 administrator of general assistance under the Illinois Public
14 Aid Code, probation officer, or any other foster parent,
15 homemaker or child care worker having reasonable cause to
16 believe a child known to them in their professional or
17 official capacity may be an abused child or a neglected child
18 shall immediately report or cause a report to be made to the
19 Department.

20 Any member of the clergy having reasonable cause to
21 believe that a child known to that member of the clergy in
22 his or her professional capacity may be an abused child as
23 defined in item (c) of the definition of "abused child" in
24 Section 3 of this Act shall immediately report or cause a
25 report to be made to the Department.

26 Whenever such person is required to report under this Act
27 in his capacity as a member of the staff of a medical or
28 other public or private institution, school, facility or
29 agency, or as a member of the clergy, he shall make report
30 immediately to the Department in accordance with the
31 provisions of this Act and may also notify the person in
32 charge of such institution, school, facility or agency, or
33 church, synagogue, temple, mosque, or other religious
34 institution, or his designated agent that such report has

1 been made. Under no circumstances shall any person in charge
2 of such institution, school, facility or agency, or church,
3 synagogue, temple, mosque, or other religious institution, or
4 his designated agent to whom such notification has been made,
5 exercise any control, restraint, modification or other change
6 in the report or the forwarding of such report to the
7 Department.

8 The privileged quality of communication between any
9 professional person required to report and his patient or
10 client shall not apply to situations involving abused or
11 neglected children and shall not constitute grounds for
12 failure to report as required by this Act.

13 Except as otherwise provided in subsection (b) of Section
14 8-803 of the Code of Civil Procedure, a member of the clergy
15 may claim the privilege under Section 8-803 of the Code of
16 Civil Procedure.

17 In addition to the above persons required to report
18 suspected cases of abused or neglected children, any other
19 person may make a report if such person has reasonable cause
20 to believe a child may be an abused child or a neglected
21 child.

22 Any person who enters into employment on and after July
23 1, 1986 and is mandated by virtue of that employment to
24 report under this Act, shall sign a statement on a form
25 prescribed by the Department, to the effect that the employee
26 has knowledge and understanding of the reporting requirements
27 of this Act. The statement shall be signed prior to
28 commencement of the employment. The signed statement shall
29 be retained by the employer. The cost of printing,
30 distribution, and filing of the statement shall be borne by
31 the employer.

32 The Department shall provide copies of this Act, upon
33 request, to all employers employing persons who shall be
34 required under the provisions of this Section to report under

1 this Act.

2 Any person who knowingly transmits a false report to the
3 Department commits the offense of disorderly conduct under
4 subsection (a)(7) of Section 26-1 of the "Criminal Code of
5 1961". Any person who violates this provision a second or
6 subsequent time shall be guilty of a Class 4 felony.

7 Any person who knowingly and willfully violates any
8 provision of this Section other than a second or subsequent
9 violation of transmitting a false report as described in the
10 preceding paragraph, is guilty of a Class A misdemeanor for a
11 first violation and a Class 4 felony for a second or
12 subsequent violation.

13 A child whose parent, guardian or custodian in good faith
14 selects and depends upon spiritual means through prayer
15 alone for the treatment or cure of disease or remedial care
16 may be considered neglected or abused, but not for the sole
17 reason that his parent, guardian or custodian accepts and
18 practices such beliefs.

19 A child shall not be considered neglected or abused
20 solely because the child is not attending school in
21 accordance with the requirements of Article 26 of the School
22 Code, as amended.

23 (Source: P.A. 91-259, eff. 1-1-00; 91-516, eff. 8-13-99;
24 92-16, eff. 6-28-01; 92-801, eff. 8-16-02.)

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

27 (720 ILCS 5/3-6) (from Ch. 38, par. 3-6)

28 Sec. 3-6. Extended limitations. The period within which
29 a prosecution must be commenced under the provisions of
30 Section 3-5 or other applicable statute is extended under the
31 following conditions:

32 (a) A prosecution for theft involving a breach of a

1 fiduciary obligation to the aggrieved person may be commenced
2 as follows:

3 (1) If the aggrieved person is a minor or a person
4 under legal disability, then during the minority or legal
5 disability or within one year after the termination
6 thereof.

7 (2) In any other instance, within one year after
8 the discovery of the offense by an aggrieved person, or
9 by a person who has legal capacity to represent an
10 aggrieved person or has a legal duty to report the
11 offense, and is not himself or herself a party to the
12 offense; or in the absence of such discovery, within one
13 year after the proper prosecuting officer becomes aware
14 of the offense. However, in no such case is the period of
15 limitation so extended more than 3 years beyond the
16 expiration of the period otherwise applicable.

17 (b) A prosecution for any offense based upon misconduct
18 in office by a public officer or employee may be commenced
19 within one year after discovery of the offense by a person
20 having a legal duty to report such offense, or in the absence
21 of such discovery, within one year after the proper
22 prosecuting officer becomes aware of the offense. However, in
23 no such case is the period of limitation so extended more
24 than 3 years beyond the expiration of the period otherwise
25 applicable.

26 (c) Except as otherwise provided in subsection (a) of
27 Section 3-5 of this Code and subdivision (i) or (j) of this
28 Section, a prosecution for any offense involving sexual
29 conduct or sexual penetration, as defined in Section 12-12 of
30 this Code, where the victim and defendant are family members,
31 as defined in Section 12-12 of this Code, may be commenced
32 within one year of the victim attaining the age of 18 years.

33 (d) A prosecution for child pornography, indecent
34 solicitation of a child, soliciting for a juvenile

1 prostitute, juvenile pimping or exploitation of a child may
2 be commenced within one year of the victim attaining the age
3 of 18 years. However, in no such case shall the time period
4 for prosecution expire sooner than 3 years after the
5 commission of the offense. When the victim is under 18 years
6 of age, a prosecution for criminal sexual abuse may be
7 commenced within one year of the victim attaining the age of
8 18 years. However, in no such case shall the time period for
9 prosecution expire sooner than 3 years after the commission
10 of the offense.

11 (e) Except as otherwise provided in subdivision (j), a
12 prosecution for any offense involving sexual conduct or
13 sexual penetration, as defined in Section 12-12 of this Code,
14 where the defendant was within a professional or fiduciary
15 relationship or a purported professional or fiduciary
16 relationship with the victim at the time of the commission of
17 the offense may be commenced within one year after the
18 discovery of the offense by the victim.

19 (f) A prosecution for any offense set forth in Section
20 44 of the "Environmental Protection Act", approved June 29,
21 1970, as amended, may be commenced within 5 years after the
22 discovery of such an offense by a person or agency having the
23 legal duty to report the offense or in the absence of such
24 discovery, within 5 years after the proper prosecuting
25 officer becomes aware of the offense.

26 (g) (Blank).

27 (h) (Blank).

28 (i) Except as otherwise provided in subdivision (j), a
29 prosecution for criminal sexual assault, aggravated criminal
30 sexual assault, or aggravated criminal sexual abuse may be
31 commenced within 10 years of the commission of the offense if
32 the victim reported the offense to law enforcement
33 authorities within 2 years after the commission of the
34 offense.

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

4 (j) When the victim is under 18 years of age at the time
5 of the offense, a prosecution for criminal sexual assault,
6 aggravated criminal sexual assault, predatory criminal sexual
7 assault of a child, or aggravated criminal sexual abuse or a
8 prosecution for failure of a person who is required to report
9 an alleged or suspected commission of any of these offenses
10 under the Abused and Neglected Child Reporting Act may be
11 commenced ~~at any time within 10 years after the child victim~~
12 ~~attains 18 years of age.~~

13 Nothing in this subdivision (j) shall be construed to
14 shorten a period within which a prosecution must be commenced
15 under any other provision of this Section.

16 (Source: P.A. 91-475, eff. 1-1-00; 91-801, eff. 6-13-00;
17 92-752, eff. 8-2-02; 92-801, eff. 8-16-02; revised 9-11-02.)

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

20 (735 ILCS 5/8-803) (from Ch. 110, par. 8-803)

21 Sec. 8-803. Clergy.

22 (a) Except as otherwise provided in subsection (b), a
23 clergyman or practitioner of any religious denomination
24 accredited by the religious body to which he or she belongs,
25 shall not be compelled to disclose in any court, or to any
26 administrative board or agency, or to any public officer, a
27 confession or admission made to him or her in his or her
28 professional character or as a spiritual advisor in the
29 course of the discipline enjoined by the rules or practices
30 of such religious body or of the religion which he or she
31 professes, nor be compelled to divulge any information which
32 has been obtained by him or her in such professional

1 character or as such spiritual advisor.

2 (b) In an investigation or prosecution of a case
3 involving an abused child as defined in Section 3 of the
4 Abused and Neglected Child Reporting Act, a clergyman or
5 practitioner of any religious denomination accredited by the
6 religious body to which he or she belongs shall be compelled
7 to disclose in any court, or to any administrative board or
8 agency, or to any public officer, an admission made to him or
9 her in his or her capacity as an advisor not in the course of
10 the discipline enjoined by the rules or practices of the
11 religious body or religion to which the clergyman or
12 practitioner professes and shall be compelled to divulge that
13 information which has been obtained by him or her in that
14 capacity.

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

16 (735 ILCS 5/13-202.2) (from Ch. 110, par. 13-202.2)
17 Sec. 13-202.2. Childhood sexual abuse.

18 (a) In this Section:

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

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

24 (b) An action for damages for personal injury based on
25 childhood sexual abuse must be commenced at any time within-2
26 years-of-the-date-the-person-abused-discovers-or-through--the
27 use--of--reasonable-diligence-should-discover-that-the-act-of
28 childhood-sexual-abuse--occurred--and--that--the--injury--was
29 caused-by-the-childhood-sexual-abuse.

30 (c) (Blank) If-the-injury-is-caused-by-2-or-more-acts-of
31 childhood--sexual--abuse-that-are-part-of-a-continuing-series
32 of-acts-of-childhood-sexual-abuse-by-the--same--abuser,--then
33 the--discovery--period-under-subsection-(b)-shall-be-computed

1 from-the-date-the-person-abused-discovers-or-through-the--use
 2 of-reasonable-diligence-should-discover-(i)-that-the-last-act
 3 of--childhood--sexual-abuse-in-the-continuing-series-occurred
 4 and-(ii)-that-the-injury-was-caused-by-any-act--of--childhood
 5 sexual-abuse-in-the-continuing-series.

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

12 (e) This Section applies to actions pending on the
 13 effective date of this amendatory Act of 1990 as well as to
 14 actions commenced on or after that date. The changes made by
 15 this amendatory Act of 1993 shall apply only to actions
 16 commenced on or after the effective date of this amendatory
 17 Act of 1993. The changes made by this amendatory Act of the
 18 93rd General Assembly shall apply only to actions commenced
 19 on or after the effective date of this amendatory Act of the
 20 93rd General Assembly.

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

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