



Sen. Terry Link

**Filed: 4/15/2013**

09800SB1399sam002

LRB098 10033 HEP 44584 a

1 AMENDMENT TO SENATE BILL 1399

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1399 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 that  
10 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 11-0.1 of  
13 the Criminal Code of 2012.

14 (b) Notwithstanding any other provision of law, an action  
15 for damages for personal injury based on childhood sexual abuse  
16 must be commenced within 20 years of the date the limitation

1 period begins to run under subsection (d) or within 20 years of  
2 the date the person abused discovers or through the use of  
3 reasonable diligence should discover both (i) that the act of  
4 childhood sexual abuse occurred and (ii) that the injury was  
5 caused by the childhood sexual abuse. The fact that the person  
6 abused discovers or through the use of reasonable diligence  
7 should discover that the act of childhood sexual abuse occurred  
8 is not, by itself, sufficient to start the discovery period  
9 under this subsection (b). Knowledge of the abuse does not  
10 constitute discovery of the injury or the causal relationship  
11 between any later-discovered injury and the abuse.

12 (c) If the injury is caused by 2 or more acts of childhood  
13 sexual abuse that are part of a continuing series of acts of  
14 childhood sexual abuse by the same abuser, then the discovery  
15 period under subsection (b) shall be computed from the date the  
16 person abused discovers or through the use of reasonable  
17 diligence should discover both (i) that the last act of  
18 childhood sexual abuse in the continuing series occurred and  
19 (ii) that the injury was caused by any act of childhood sexual  
20 abuse in the continuing series. The fact that the person abused  
21 discovers or through the use of reasonable diligence should  
22 discover that the last act of childhood sexual abuse in the  
23 continuing series occurred is not, by itself, sufficient to  
24 start the discovery period under subsection (b). Knowledge of  
25 the abuse does not constitute discovery of the injury or the  
26 causal relationship between any later-discovered injury and

1 the abuse.

2 (d) The limitation periods under subsection (b) do not  
3 begin to run before the person abused attains the age of 18  
4 years; and, if at the time the person abused attains the age of  
5 18 years he or she is under other legal disability, the  
6 limitation periods under subsection (b) do not begin to run  
7 until the removal of the disability.

8 (d-1) The limitation periods in subsection (b) do not run  
9 during a time period when the person abused is subject to  
10 threats, intimidation, manipulation, or fraud perpetrated by  
11 the abuser or by any person acting in the interest of the  
12 abuser.

13 (e) This Section applies to actions pending on the  
14 effective date of this amendatory Act of 1990 as well as to  
15 actions commenced on or after that date. The changes made by  
16 this amendatory Act of 1993 shall apply only to actions  
17 commenced on or after the effective date of this amendatory Act  
18 of 1993. The changes made by this amendatory Act of the 93rd  
19 General Assembly apply to actions pending on the effective date  
20 of this amendatory Act of the 93rd General Assembly as well as  
21 actions commenced on or after that date. The changes made by  
22 this amendatory Act of the 96th General Assembly apply to  
23 actions commenced on or after the effective date of this  
24 amendatory Act of the 96th General Assembly if the action would  
25 not have been time barred under any statute of limitations or  
26 statute of repose prior to the effective date of this

1 amendatory Act of the 96th General Assembly.

2 (f) Subsections (b) through (e) of this Section do not  
3 apply on and after the effective date of this amendatory Act of  
4 the 98th General Assembly.

5 (g) Notwithstanding any other provision of law, an action  
6 for damages based on childhood sexual abuse may be commenced at  
7 any time.

8 (h) The changes made by this amendatory Act of the 98th  
9 General Assembly are prospective and apply to actions commenced  
10 on or after the effective date of this Amendatory Act of the  
11 98th General Assembly if the action would not have been time  
12 barred under any statute of limitations or statute of repose  
13 prior to the effective date of this amendatory Act of the 98th  
14 General Assembly.

15 (Source: P.A. 96-1093, eff. 1-1-11; 96-1551, eff. 7-1-11;  
16 97-1150, eff. 1-25-13.)".