

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 and by adding Article XXIII as
6 follows:

7 (735 ILCS 5/2-1116) (from Ch. 110, par. 2-1116)

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

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

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

1 No contributory fault may be attributed to a plaintiff
2 bringing an action for damages for personal injury based on
3 childhood sexual abuse as defined in Section 13-202.2.

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

5 (735 ILCS 5/Art. XXIII heading new)

6 ARTICLE XXIII.

7 SEXUAL ABUSE PER SE HARMFUL

8 (735 ILCS 5/23-101 new)

9 Sec. 23-101. Sexual abuse per se harmful. For an action
10 arising out of an injury caused by sexual conduct or sexual
11 penetration as defined in Section 11-0.1 of the Criminal Code
12 of 2012, if the plaintiff proves by a preponderance of the
13 evidence that the defendant committed childhood sexual abuse
14 as defined in Section 13-202.2 against the plaintiff, such
15 sexual conduct or sexual penetration shall be considered
16 obviously and materially harmful to the plaintiff and shall be
17 deemed by the court per se harmful and traumatic. The
18 plaintiff need not present additional evidence to prove they
19 were harmed. The plaintiff may present additional evidence to
20 show the extent of such harm.

21 Nothing in this Section shall be construed to state that a
22 plaintiff discovered the cause of action at any particular
23 time, or that a plaintiff realized that the plaintiff's
24 damages were related to the plaintiff's sexual abuse at any

1 particular time.

2 This Section applies to causes of action arising on or
3 after the effective date of this amendatory Act of the 103rd
4 General Assembly or to causes of action for which the
5 limitation period has not yet expired.

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.