

HOUSE BILL No. 2603

By Committee on Judiciary

2-3

1 AN ACT concerning civil actions; relating to limitations on actions;
2 extending the time to file a claim for damages caused by childhood
3 sexual abuse; reviving claims against any party for such damages that
4 occurred on or after July 1, 1984; amending K.S.A. 2021 Supp. 60-523
5 and repealing the existing section.
6

7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. K.S.A. 2021 Supp. 60-523 is hereby amended to read as
9 follows: 60-523. (a) ~~No~~ An action against any party for recovery of
10 damages suffered as a result of childhood sexual abuse shall may be
11 commenced more than three years after the date the person attains 18 years
12 of age or more than three years from the date the person discovers or
13 reasonably should have discovered that the injury or illness was caused by
14 childhood sexual abuse, whichever occurs later at any time.

15 (b) As used in this section:

16 (1) "Injury or illness" includes psychological injury or illness, whether
17 or not accompanied by physical injury or illness.

18 (2) "Childhood sexual abuse" includes any act committed against the
19 person which act that occurred when the person was under the age of 18
20 years and which act that would have been a violation of any of the
21 following:

22 ~~(A)~~(1) Indecent liberties with a child as defined in K.S.A. 21-3503,
23 prior to its repeal, or ~~subsection (a)~~ of K.S.A. 2021 Supp. 21-5506(a), and
24 amendments thereto; ~~(B)~~(2) aggravated indecent liberties with a child as
25 defined in K.S.A. 21-3504, prior to its repeal, or ~~subsection (b)~~ of K.S.A.
26 2021 Supp. 21-5506(b), and amendments thereto; ~~(C)~~(3) aggravated
27 criminal sodomy as defined in K.S.A. 21-3506, prior to its repeal, or
28 ~~subsection (b)~~ of K.S.A. 2021 Supp. 21-5504(b), and amendments thereto;
29 ~~(D)~~(4) enticement of a child as defined in K.S.A. 21-3509, prior to its
30 repeal; ~~(E)~~(5) indecent solicitation of a child as defined in K.S.A. 21-3510,
31 prior to its repeal, or ~~subsection (a)~~ of K.S.A. 2021 Supp. 21-5508(a), and
32 amendments thereto; ~~(F)~~(6) aggravated indecent solicitation of a child as
33 defined in K.S.A. 21-3511, prior to its repeal, or ~~subsection (b)~~ of K.S.A.
34 2021 Supp. 21-5508(b), and amendments thereto; ~~(G)~~(7) sexual
35 exploitation of a child as defined in K.S.A. 21-3516, prior to its repeal, or
36 K.S.A. 2021 Supp. 21-5510, and amendments thereto; ~~or (H)~~(8)

1 aggravated incest as defined in K.S.A. 21-3603, prior to its repeal, or
2 ~~subsection (b) of K.S.A. 2021 Supp. 21-5604(b)~~, and amendments thereto;
3 *(9) internet trading in child pornography or aggravated internet trading in*
4 *child pornography as defined in K.S.A. 2021 Supp. 21-5514, and*
5 *amendments thereto; or (10) any prior laws of this state of similar effect at*
6 *the time the act was committed.*

7 ~~(c) Discovery that the injury or illness was caused by childhood~~
8 ~~sexual abuse shall not be deemed to have occurred solely by virtue of the~~
9 ~~person's awareness, knowledge or memory of the acts of abuse. The person~~
10 ~~need not establish which act in a series of continuing sexual abuse~~
11 ~~incidents caused the injury or illness complained of, but may compute the~~
12 ~~date of discovery from the date of discovery of the last act by the same~~
13 ~~perpetrator which is a part of a common scheme or plan of sexual abuse.~~

14 ~~(d) This section shall be applicable to:~~

15 ~~(1) any action commenced on or after July 1, 1992, including any~~
16 ~~action which that would be barred by application of the period of~~
17 ~~limitation applicable prior to July 1, 1992;~~

18 ~~(2) any action commenced prior to July 1, 1992, and pending on July~~
19 ~~1, 1992.~~

20 *(d) All claims against any party for damages suffered as a result of*
21 *childhood sexual abuse that occurred on or after July 1, 1984, are hereby*
22 *revived.*

23 Sec. 2. K.S.A. 2021 Supp. 60-523 is hereby repealed.

24 Sec. 3. This act shall take effect and be in force from and after its
25 publication in the statute book.