

As Amended by Senate Committee

Session of 2004

SENATE BILL No. 436

By Committee on Judiciary

2-4

10 AN ACT concerning civil procedure; relating to limitations on actions;
11 amending K.S.A. 60-523 and repealing the existing section.

12

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

14 Section 1. K.S.A. 60-523 is hereby amended to read as follows: 60-
15 523. (a) No action for recovery of damages suffered as a result of child-
16 hood sexual abuse shall be commenced more than ~~three~~ **30 five** years
17 after the date the person attains 18 years of age or more than ~~three~~ **five**
18 years from the date the person discovers or reasonably should have dis-
19 covered that the injury or illness was caused by childhood sexual abuse,
20 whichever occurs later.

21 (b) As used in this section:

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

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

27 (A) Indecent liberties with a child as defined in K.S.A. 21-3503 and
28 amendments thereto; (B) aggravated indecent liberties with a child as
29 defined in K.S.A. 21-3504 and amendments thereto; (C) aggravated crim-
30 inal sodomy as defined in K.S.A. 21-3506 and amendments thereto; (D)
31 enticement of a child as defined in K.S.A. 21-3509 and amendments
32 thereto; (E) indecent solicitation of a child as defined in K.S.A. 21-3510
33 and amendments thereto; (F) aggravated indecent solicitation of a child
34 as defined in K.S.A. 21-3511 and amendments thereto; (G) sexual ex-
35 ploitation of a child as defined in K.S.A. 21-3516 and amendments
36 thereto; or (H) aggravated incest as defined in K.S.A. 21-3603 and amend-
37 ments thereto; or any prior laws of this state of similar effect at the time
38 the act was committed.

39 (c) Discovery that the injury or illness was caused by childhood sexual
40 abuse shall not be deemed to have occurred solely by virtue of the per-
41 son's awareness, knowledge or memory of the acts of abuse. The person
42 need not establish which act in a series of continuing sexual abuse inci-
43 dents caused the injury or illness complained of, but may compute the

1 date of discovery from the date of discovery of the last act by the same
2 perpetrator which is a part of a common scheme or plan of sexual abuse.

3 (d) This section shall be applicable to:

4 (1) Any action commenced on or after July 1, ~~1992~~ 2004, including
5 any action which would be barred by application of the period of limita-
6 tion applicable prior to July 1, ~~1992~~ 2004;

7 (2) any action commenced prior to July 1, ~~1992~~ 2004, and pending
8 on July 1, ~~1992~~ 2004.

9 Sec. 2. K.S.A. 60-523 is hereby repealed.

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