STATE OF KANSAS

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SENATE CHAMBER

MR. PRESIDENT:

I move to amend **SB 368**, on page 12, following line 29, by inserting:

"Sec. 3.   K.S.A. 2021 Supp. 60-523 is hereby amended to read as follows: 60-523. (a) ~~No~~ An action against any party for recovery of damages suffered as a result of childhood sexual abuse ~~shall~~ may be commenced ~~more than three years after the date the person attains 18 years of age or more than three years from the date the person discovers or reasonably should have discovered that the injury or illness was caused by childhood sexual abuse, whichever occurs later~~ at any time.

(b)   As used in this section~~:~~,

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

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

~~(A)~~(1)   Indecent liberties with a child as defined in K.S.A. 21-3503, prior to its repeal, or ~~subsection (a) of~~ K.S.A. 2021 Supp. 21-5506(a), and amendments thereto;

~~(B)~~(2)   aggravated indecent liberties with a child as defined in K.S.A. 21-3504, prior to its repeal, or ~~subsection (b) of~~ K.S.A. 2021 Supp. 21-5506(b), and amendments thereto;

~~(C)~~(3)   aggravated criminal sodomy as defined in K.S.A. 21-3506, prior to its repeal, or ~~subsection (b) of~~ K.S.A. 2021 Supp. 21-5504(b), and amendments thereto;

~~(D)~~(4)   enticement of a child as defined in K.S.A. 21-3509, prior to its repeal;

(E)(5)   indecent solicitation of a child as defined in K.S.A. 21-3510, prior to its repeal, or subsection (a) of K.S.A. 2021 Supp. 21-5508(a), and amendments thereto;

(F)(6)   aggravated indecent solicitation of a child as defined in K.S.A. 21-3511, prior to its repeal, or subsection (b) of K.S.A. 2021 Supp. 21-5508(b), and amendments thereto;

(G)(7)   sexual exploitation of a child as defined in K.S.A. 21-3516, prior to its repeal, or K.S.A. 2021 Supp. 21-5510, and amendments thereto; or

(H)(8)   aggravated incest as defined in K.S.A. 21-3603, prior to its repeal, or subsection (b) of K.S.A. 2021 Supp. 21-5604(b), and amendments thereto;

(9)   internet trading in child pornography or aggravated internet trading in child pornography as defined in K.S.A. 2021 Supp. 21-5514, and amendments thereto; or

(10)   any prior laws of this state of similar effect at the time the act was committed.

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

(d)   This section shall be applicable to:

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

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

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

Also on page 12, in line 30, by striking "and" and inserting a comma; also in line 30, after

"22-4906" by inserting "and 60-523";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "concerning" by inserting "childhood sexual abuse; relating to"; in line 3, after "pornography" by inserting "; relating to limitations on civil actions; extending the time to file a claim for damages caused by childhood sexual abuse; reviving claims against any party for such damages that occurred on or after July 1, 1984"; in line 4, by striking the first "and" and inserting a comma; also in line 4, after "22-4906" by inserting "and 60-523"

Senator _____