

HOUSE BILL No. 2306

By Representatives Holscher, Ellis, Gartner, Howard, Karleskint, Kuether, Probst,
S. Ruiz, Schreiber, Stogsdill, Warfield, Weigel, Whipple and Woodard

2-13

AN ACT concerning civil actions; relating to limitations on actions;
victims of childhood sexual abuse; amending K.S.A. 2018 Supp. 60-
523 and repealing the existing section.

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

Section 1. K.S.A. 2018 Supp. 60-523 is hereby amended to read as
follows: 60-523. (a) ~~No~~ An action 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 occurred when the person was under the age of 18 years
and which act 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. 2018 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.~~
2018 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. 2018 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. 2018 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.~~
2018 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. 2018 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. 2018 Supp. 21-5604(b), and amendments thereto;

1 or any prior laws of this state of similar effect at the time the act was
2 committed.

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

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

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

14 ~~(2) any action commenced prior to July 1, 1992, and pending on July~~
15 ~~1, 1992.~~

16 Sec. 2. K.S.A. 2018 Supp. 60-523 is hereby repealed.

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