

HOUSE BILL No. 2721

By Committee on Child Welfare and Foster Care

Requested by Representative Johnson, on behalf of Representative Underhill

2-6

1 AN ACT concerning civil actions; relating to limitations on actions;
2 extending the time to file a claim for damages suffered as a result of
3 childhood sexual abuse; reviving claims against any party for such
4 damages that occurred on or after July 1, 1984; amending K.S.A. 2023
5 Supp. 60-523 and repealing the existing section.
6

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

8 Section 1. K.S.A. 2023 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 for an injury or illness suffered as a result of childhood sexual
11 abuse ~~shall may~~ be commenced ~~more than 13 years after the date the~~
12 ~~victim attains 18 years of age or more than three years after the date of a~~
13 ~~criminal conviction for a crime described in subsection (b) related to such~~
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" means any act committed against the~~
19 ~~person that occurred when the person was under the age of 18 years and~~
20 ~~that would have been a violation of any of the following:~~

21 ~~(A)(1) Rape as defined in K.S.A. 21-3502, prior to its repeal, or~~
22 ~~K.S.A. 21-5503, and amendments thereto;~~

23 ~~(B)(2) indecent liberties with a child as defined in K.S.A. 21-3503,~~
24 ~~prior to its repeal, or K.S.A. 21-5506(a), and amendments thereto;~~

25 ~~(C)(3) aggravated indecent liberties with a child as defined in K.S.A.~~
26 ~~21-3504, prior to its repeal, or K.S.A. 21-5506(b), and amendments~~
27 ~~thereto;~~

28 ~~(D)(4) criminal sodomy as defined in K.S.A. 21-3505(a)(2) and (a)~~
29 ~~(3), prior to its repeal, or K.S.A. 21-5504(a)(3) and (a)(4), and~~
30 ~~amendments thereto;~~

31 ~~(E)(5) aggravated criminal sodomy as defined in K.S.A. 21-3506,~~
32 ~~prior to its repeal, or K.S.A. 21-5504(b), and amendments thereto;~~

33 ~~(F)(6) enticement of a child as defined in K.S.A. 21-3509, prior to its~~
34 ~~repeal;~~

35 ~~(G)(7) indecent solicitation of a child as defined in K.S.A. 21-3510,~~

- 1 prior to its repeal, or K.S.A. 21-5508(a), and amendments thereto;
- 2 ~~(H)~~(8) aggravated indecent solicitation of a child as defined in K.S.A.
- 3 21-3511, prior to its repeal, or K.S.A. 21-5508(b), and amendments
- 4 thereto;
- 5 ~~(I)~~(9) sexual exploitation of a child as defined in K.S.A. 21-3516,
- 6 prior to its repeal, or K.S.A. 21-5510, and amendments thereto;
- 7 ~~(J)~~(10) aggravated sexual battery as defined in K.S.A. 21-3518, prior
- 8 to its repeal, or K.S.A. 21-5505(b), and amendments thereto;
- 9 ~~(K)~~(11) aggravated incest as defined in K.S.A. 21-3603, prior to its
- 10 repeal, or K.S.A. 21-5604(b), and amendments thereto;
- 11 ~~(L)~~(12) aggravated human trafficking as defined in K.S.A. 21-3447,
- 12 prior to its repeal, or K.S.A. 21-5426(b), and amendments thereto, if
- 13 committed in whole or in part for the purpose of the sexual gratification of
- 14 the defendant or another;
- 15 ~~(M)~~(13) internet trading in child pornography or aggravated internet
- 16 trading in child pornography as defined in K.S.A. 21-5514, and
- 17 amendments thereto;
- 18 ~~(N)~~(14) commercial sexual exploitation of a child as defined in
- 19 K.S.A. 21-6422, and amendments thereto; or
- 20 ~~(O)~~(15) any prior laws of this state of similar effect at the time the act
- 21 was committed.
- 22 (c) This section shall be applicable to any action commenced on or
- 23 after July 1, 1992, including any action that would be barred by
- 24 application of the period of limitation applicable prior to July 1, 1992.
- 25 (d) *All claims against any party for recovery of damages for an*
- 26 *injury or illness suffered as a result of childhood sexual abuse that*
- 27 *occurred on or after July 1, 1984, are hereby revived.*
- 28 Sec. 2. K.S.A. 2023 Supp. 60-523 is hereby repealed.
- 29 Sec. 3. This act shall take effect and be in force from and after its
- 30 publication in the Kansas register.