

SENATE BILL No. 364

By Committee on Ways and Means

1-18

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,
36 prior to its repeal, or K.S.A. 21-5508(a), and amendments thereto;

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 K.S.A. 2023 Supp. 60-523 is hereby repealed.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