

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1947 Session of 2015

INTRODUCED BY MARSICO AND PETRARCA, APRIL 4, 2016

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, APRIL 11, 2016

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in limitation of time,
3 further providing for infancy, insanity or imprisonment, for
4 no limitation applicable and for other offenses; and, in
5 matters affecting government units, further providing for
6 exceptions to sovereign immunity and for exceptions to
7 governmental immunity.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Section 5533(b)(2)(i) of Title 42 of the
11 Pennsylvania Consolidated Statutes is amended to read:

12 § 5533. Infancy, insanity or imprisonment.

13 * * *

14 (b) Infancy.--

15 * * *

16 (2) (i) If an individual entitled to bring a civil
17 action arising from childhood sexual abuse is under 18
18 years of age at the time the cause of action accrues, the
19 individual shall have a period of [12] 32 years after
20 attaining 18 years of age in which to commence an action

1 for damages regardless of whether the individual files a
2 criminal complaint regarding the childhood sexual abuse.

3 * * *

4 Section 2. Section 5551 of Title 42 is amended by adding a
5 paragraph to read:

6 § 5551. No limitation applicable.

7 A prosecution for the following offenses may be commenced at
8 any time:

9 * * *

10 (7) An offense under any of the following provisions of
11 18 Pa.C.S. (relating to crimes and offenses) if the victim
12 was under 18 years of age at the time of the offense:

13 Section 3011(b) (relating to trafficking in individuals).

14 Section 3012 (relating to involuntary servitude) as it
15 relates to sexual servitude.

16 Section 3121 (relating to rape).

17 Section 3122.1 (relating to statutory sexual assault).

18 Section 3123 (relating to involuntary deviate sexual
19 intercourse).

20 Section 3124.1 (relating to sexual assault).

21 Section 3124.2 (relating to institutional sexual
22 assault).

23 Section 3125 (relating to aggravated indecent assault).

24 Section 4302 (relating to incest).

25 Section 3. Section 5552(b.1) and (c) (3) of Title 42 are
26 amended to read:

27 § 5552. Other offenses.

28 * * *

29 (b.1) Major sexual offenses.--[A] Except as provided in
30 section 5551(7) (relating to no limitation applicable), a

1 prosecution for any of the following offenses under Title 18
2 must be commenced within 12 years after it is committed:

3 Section 3121 (relating to rape).

4 Section 3122.1 (relating to statutory sexual assault).

5 Section 3123 (relating to involuntary deviate sexual
6 intercourse).

7 Section 3124.1 (relating to sexual assault).

8 Section 3124.2(a) and (a.2) (relating to institutional
9 sexual assault).

10 Section 3125 (relating to aggravated indecent assault).

11 Section 4302 (relating to incest).

12 Section 6312 (relating to sexual abuse of children).

13 (c) Exceptions.--If the period prescribed in subsection (a),
14 (b) or (b.1) has expired, a prosecution may nevertheless be
15 commenced for:

16 * * *

17 (3) Any sexual offense committed against a minor who is
18 less than 18 years of age any time up to the later of the
19 period of limitation provided by law after the minor has
20 reached 18 years of age or the date the minor reaches 50
21 years of age. As used in this paragraph, the term "sexual
22 offense" means a crime under the following provisions of
23 Title 18 (relating to crimes and offenses):

24 [Section 3011(b) (relating to trafficking in
25 individuals).

26 Section 3012 (relating to involuntary servitude) as
27 it relates to sexual servitude.

28 Section 3121 (relating to rape).

29 Section 3122.1 (relating to statutory sexual
30 assault).

1 Section 3123 (relating to involuntary deviate sexual
2 intercourse).

3 Section 3124.1 (relating to sexual assault).

4 Section 3125 (relating to aggravated indecent
5 assault).]

6 Section 3126 (relating to indecent assault).

7 Section 3127 (relating to indecent exposure).

8 [Section 4302 (relating to incest).]

9 Section 4304 (relating to endangering welfare of
10 children).

11 Section 6301 (relating to corruption of minors).

12 Section 6312(b) (relating to sexual abuse of
13 children).

14 Section 6320 (relating to sexual exploitation of
15 children).

16 * * *

17 Section 3.1. Sections 8522(b) and 8542(b) of Title 42 are
18 amended by adding paragraphs to read:

19 § 8522. Exceptions to sovereign immunity.

20 * * *

21 (b) Acts which may impose liability.--The following acts by
22 a Commonwealth party may result in the imposition of liability
23 on the Commonwealth and the defense of sovereign immunity shall
24 not be raised to claims for damages caused by:

25 * * *

26 (10) Sexual abuse.--Conduct which constitutes an offense
27 enumerated under section 5551(7) (relating to no limitation
28 applicable) if the injuries to the plaintiff were caused by
29 actions or omissions of the Commonwealth which constitute
30 gross negligence. Sovereign immunity may be raised to the

1 extent the actions or omissions of the Commonwealth
2 constitute negligence.

3 § 8542. Exceptions to governmental immunity.

4 * * *

5 (b) Acts which may impose liability.--The following acts by
6 a local agency or any of its employees may result in the
7 imposition of liability on a local agency:

8 * * *

9 (9) Sexual abuse.--Conduct which is proscribed by the
10 provisions of Title 18 (relating to crimes and offenses)
11 enumerated in section 5551(7) (relating to no limitation
12 applicable) if the claimant establishes that:

13 (i) the local agency acted in a grossly negligent
14 manner; and

15 (ii) the action under subparagraph (i) caused injury
16 to the claimant.

17 * * *

18 Section 4. This act shall apply as follows:

19 (1) The addition of 42 Pa.C.S. § 8542(b)(9) shall apply
20 to causes of action which arise on or after the effective
21 date of this paragraph.

22 (2) The amendment or addition of 42 Pa.C.S. §§ ~~5533(b)~~ <--
23 ~~(2)(i)~~, 5551(7) and 5552(b.1) and (c)(3) shall not be applied
24 to revive an action which has been barred by an existing
25 statute of limitations on the effective date of this section.

26 (3) THE AMENDMENT OF 42 PA.C.S. § 5533(B)(2)(I) SHALL BE <--
27 APPLIED RETROACTIVELY, INCLUDING TO REVIVE AN ACTION WHICH
28 WAS BARRED BY A STATUTE OF LIMITATIONS PRIOR TO THE EFFECTIVE
29 DATE OF THIS SECTION.

30 Section 5. This act shall take effect in 60 days.