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TO: All Priests and Deacons

FROM: Suzanne Hueston *S. Hueston*
General Counsel

RE: HOUSE BILL 1947 SUMMARY

On April 12, 2016, House Bill 1947 passed the Pennsylvania House and has been referred to the Senate Judiciary Committee for consideration. The bill amended both the criminal and civil statutes of limitations relating to acts of childhood sexual abuse. The following are the principal elements of the bill:

1. If the victim was under 18 years of age at the time of the offense, the criminal statute of limitations (SOL) would be **prospectively** eliminated for the following crimes:
 - Trafficking in individuals
 - Involuntary sexual servitude
 - Rape
 - Statutory sexual assault
 - Sexual assault
 - Institutional sexual assault
 - Aggravated indecent assault
 - Incest

Thus, a criminal prosecution for any of the listed offenses could be brought at any time in the future.

2. The statute of limitations for the crime of Endangering Welfare of Children (EWOC) would remain at victim's age 50.
3. The statute of limitations for civil actions arising from childhood sexual abuse would be extended from victim's age 30 to victim's age 50 (age 30 is the current statute of limitations for claims arising from childhood sexual abuse). In addition, however, House Bill 1947 would also allow those civil claims that are currently time-barred for such victims would be revived until the victim reaches age 50.

4. The expansion of the statute of limitations for civil claims already time-barred would have no practical impact on public entities, since they will continue to benefit from the bar of sovereign immunity/governmental immunity with respect to claims that arose prior to the effective date of this bill.
5. The bar of sovereign/governmental immunity for civil litigation against public entities (for example, school districts) would be waived **prospectively** with respect to claims for childhood sexual abuse where the conduct of the perpetrator constituted one of the criminal offenses (listed in ¶1, above) provided that the actions or omissions of the defendant governmental party constitute “gross negligence” (an undefined term and a higher standard than for private entities).
6. The proposed law does not change the notice requirement for public entities. Public entities can only be sued if the injured party gives the entity notice of the injury within six months after it occurs. This nullifies the extension of the statute of limitations to victim’s age 50.
7. Private organizations can be sued retroactively for unlimited amounts of damages, including punitive damages. Public entities are subject to caps on the damages that can be awarded against them and are not subject to punitive damages. Currently, damages against State entities are limited to \$250,000 per plaintiff and \$1,000,000 in total for claims that are related to one another. Damages against counties, municipalities and school districts are limited to a total of \$500,000 for any one event or for a series of related events.
8. This bill, as drafted, treats childhood sexual abuse victims from public entities differently than those from private entities.