

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 921 Session of
2005

INTRODUCED BY BOSCOLA, ORIE, C. WILLIAMS, KASUNIC, WOZNIAK,
ERICKSON, STACK, LOGAN, RAFFERTY, MUSTO, STOUT AND FONTANA,
OCTOBER 13, 2005

REFERRED TO JUDICIARY, OCTOBER 13, 2005

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, further providing for
3 limitations on civil actions based on certain assaults.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Section 5524 of Title 42 of the Pennsylvania
7 Consolidated Statutes, amended November 24, 2004 (P.L.1243,
8 No.152), is amended to read:

9 § 5524. Two year limitation.

10 The following actions and proceedings must be commenced
11 within two years:

12 (1) [An] Except as provided in section 5531(4) (relating
13 to no limitation), an action for assault, battery, false
14 imprisonment, false arrest, malicious prosecution or
15 malicious abuse of process.

16 (2) [An] Except as provided in section 5531(4), an
17 action to recover damages for injuries to the person or for
18 the death of an individual caused by the wrongful act or

neglect or unlawful violence or negligence of another.

(3) An action for taking, detaining or injuring personal property, including actions for specific recovery thereof.

(4) An action for waste or trespass of real property.

(5) An action upon a statute for a civil penalty or forfeiture.

(6) An action against any officer of any government unit for the nonpayment of money or the nondelivery of property collected upon on execution or otherwise in his possession.

(7) [Any] Except as provided in section 5531(4), any other action or proceeding to recover damages for injury to person or property which is founded on negligent, intentional, or otherwise tortious conduct or any other action or proceeding sounding in trespass, including deceit or fraud, except an action or proceeding subject to another limitation specified in this subchapter.

Section 2. Section 5531 of Title 42 is amended to read:

§ 5531. No limitation.

The following actions and proceedings may be commenced at any time notwithstanding any other provision of this subchapter except section 5521 (relating to limitations on foreign claims):

(1) An action against an attorney at law by or on behalf of a client to enforce any implied or resulting trust as to real property.

(2) An action by the Commonwealth, a county or an institution district against the real or personal property of persons who were public charges, including mental patients, to recover the cost of their maintenance and support.

(3) An action by the Commonwealth, a county or an institution district against the real or personal property of

1 persons who were legally liable to pay for the maintenance
2 and support of persons who were public charges, including
3 mental patients, to recover the cost of their maintenance and
4 support.

5 (4) A personal injury action based on any of the
6 following:

7 (i) Murder.

8 (ii) Voluntary manslaughter.

9 (iii) Conspiracy to commit murder or solicitation to
10 commit murder if a murder results from the conspiracy or
11 solicitation.

12 (iv) Any felony alleged to have been perpetrated in
13 connection with a murder of the first or second degree,
14 as set forth in 18 Pa.C.S. § 2502(a) or (b) and (d)
15 (relating to murder).

16 (v) A violation of 75 Pa.C.S. § 3732 (relating to
17 homicide by vehicle) or 3742 (relating to accidents
18 involving death or personal injury) if the accused was
19 the driver of a vehicle involved in an accident resulting
20 in the death of any person.

21 (vi) Any violation of 18 Pa.C.S. (relating to crimes
22 and offenses) as follows:

23 Section 3121 (relating to rape).

24 Section 3122.1 (relating to statutory sexual
25 assault).

26 Section 3123 (relating to involuntary deviate
27 sexual intercourse).

28 Section 3124.1 (relating to sexual assault).

29 Section 3124.2 (relating to institutional sexual
30 assault).

1 Section 3125 (relating to aggravated indecent
2 assault).

3 Section 3126 (relating to indecent assault).

4 Section 3127 (relating to indecent exposure).

5 Section 4302 (relating to incest).

6 Section 6312(b) (relating to sexual abuse of
7 children).

8 Section 2. This act shall take effect in 60 days.