

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 140 Session of  
2007

INTRODUCED BY BISHOP, BELFANTI, BOYD, BUXTON, CLYMER, CREIGHTON,  
CURRY, DALLY, DePASQUALE, DERMODY, FREEMAN, GALLOWAY, GEORGE,  
GINGRICH, GOODMAN, HESS, LEVDANSKY, MAHONEY, MARKOSEK,  
McILHATTAN, MELIO, METCALFE, MOUL, M. O'BRIEN, PALLONE,  
PARKER, PYLE, ROSS, SCAVELLO, SIPTROTH, STABACK, STERN,  
R. STEVENSON, SURRA, WATSON, YOUNGBLOOD, PETRONE AND GRUCELA,  
JANUARY 31, 2007

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 31, 2007

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, further providing for  
3 unlimited time to bring civil actions, for tolling  
4 limitations of civil actions, for unlimited time to bring  
5 criminal actions and for limitation of serious criminal  
6 actions.

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

9 Section 1. Section 5531 of Title 42 of the Pennsylvania  
10 Consolidated Statutes is amended by adding a paragraph to read:

11 § 5531. No limitation.

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

15 \* \* \*

16 (4) An action for childhood sexual abuse. As used in  
17 this paragraph, the following words and phrases shall have

1 the following meanings:

2 "Childhood sexual abuse." Includes the following:

3 (i) Any of the following sexual activities between a  
4 minor and an adult, if the individual bringing the civil  
5 action engaged in the activity as a result of forcible  
6 compulsion or by threat of forcible compulsion which  
7 would prevent resistance by a person of reasonable  
8 resolution:

9 (A) Sexual intercourse, which includes  
10 penetration, however slight, of any body part or  
11 object into the sex organ of another.

12 (B) Deviate sexual intercourse, which includes  
13 sexual intercourse per os or per anus.

14 (C) Indecent contact, which includes any  
15 touching of the sexual or other intimate parts of the  
16 person for the purpose of arousing or gratifying  
17 sexual desire in either person.

18 (D) An action which constitutes an offense under  
19 any of the following provisions of 18 Pa.C.S.:

20 Section 3121 (relating to rape).

21 Section 3122.1 (relating to statutory sexual  
22 assault).

23 Section 3123 (relating to involuntary deviate  
24 sexual intercourse).

25 Section 3124.1 (relating to sexual assault).

26 Section 3124.2 (relating to institutional  
27 sexual assault).

28 Section 3125 (relating to aggravated indecent  
29 assault).

30 Section 3126 (relating to indecent assault).

1                   Section 3127 (relating to indecent exposure).

2                   Section 4302 (relating to incest).

3                   Section 6312 (relating to sexual abuse of  
4                   children).

5                   "Forcible compulsion." As defined in 18 Pa.C.S. § 3101  
6                   (relating to definitions).

7       Section 2. Section 5533(b)(2) of Title 42 is amended to  
8 read:

9       § 5533. Infancy, insanity or imprisonment.

10       \* \* \*

11       (b) Infancy.--

12       \* \* \*

13       [(2) (i) If an individual entitled to bring a civil  
14       action arising from childhood sexual abuse is under 18  
15       years of age at the time the cause of action accrues, the  
16       individual shall have a period of 12 years after  
17       attaining 18 years of age in which to commence an action  
18       for damages regardless of whether the individual files a  
19       criminal complaint regarding the childhood sexual abuse.

20       (ii) For the purposes of this paragraph, the term  
21       "childhood sexual abuse" shall include, but not be  
22       limited to, the following sexual activities between a  
23       minor and an adult, provided that the individual bringing  
24       the civil action engaged in such activities as a result  
25       of forcible compulsion or by threat of forcible  
26       compulsion which would prevent resistance by a person of  
27       reasonable resolution:

28               (A) sexual intercourse, which includes  
29       penetration, however slight, of any body part or  
30       object into the sex organ of another;

1 (B) deviate sexual intercourse, which includes  
2 sexual intercourse per os or per anus; and

3 (C) indecent contact, which includes any  
4 touching of the sexual or other intimate parts of the  
5 person for the purpose of arousing or gratifying  
6 sexual desire in either person.

7 (iii) For purposes of this paragraph, "forcible  
8 compulsion" shall have the meaning given to it in 18  
9 Pa.C.S. § 3101 (relating to definitions).]

10 Section 3. Section 5551 of Title 42 is amended by adding a  
11 paragraph to read:

12 § 5551. No limitation applicable.

13 A prosecution for the following offenses may be commenced at  
14 any time:

15 \* \* \*

16 (6) An offense under any of the following provisions of  
17 18 Pa.C.S. if the victim is under 18 years of age:

18 Section 3121 (relating to rape).

19 Section 3122.1 (relating to statutory sexual  
20 assault).

21 Section 3123 (relating to involuntary deviate sexual  
22 intercourse).

23 Section 3124.1 (relating to sexual assault).

24 Section 3124.2 (relating to institutional sexual  
25 assault).

26 Section 3125 (relating to aggravated indecent sexual  
27 assault).

28 Section 3126 (relating to indecent assault).

29 Section 3127 (relating to indecent exposure).

30 Section 4302 (relating to incest).

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

2       Section 4.   Section 5552(b.1), (c)(3) and (c.1) of Title 42,  
3   amended July 7, 2006 (P.L.378, No.81) and November 29, 2006  
4   (P.L.1581, No.179), are amended to read:

5   § 5552.   Other offenses.

6       \* \* \*

7       (b.1)   Major sexual offenses.--[A] Except as set forth in  
8   section 5551(6) (relating to no limitation applicable), a  
9   prosecution for any of the following offenses under Title 18  
10   must be commenced within 12 years after it is committed:

11           Section 3121 (relating to rape).

12           Section 3122.1 (relating to statutory sexual  
13   assault).

14           Section 3123 (relating to involuntary deviate sexual  
15   intercourse).

16           Section 3124.1 (relating to sexual assault).

17           Section 3125 (relating to aggravated indecent  
18   assault).

19           Section 4302 (relating to incest).

20           [Section 6312 (relating to sexual abuse of  
21   children).]

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

25       \* \* \*

26       [(3)   Any sexual offense committed against a minor who is  
27   less than 18 years of age any time up to the later of the  
28   period of limitation provided by law after the minor has  
29   reached 18 years of age or the date the minor reaches 50  
30   years of age. As used in this paragraph, the term "sexual

offense" means a crime under the following provisions of  
Title 18 (relating to crimes and offenses):

Section 3121 (relating to rape).

Section 3122.1 (relating to statutory sexual  
assault).

Section 3123 (relating to involuntary deviate sexual  
intercourse).

Section 3124.1 (relating to sexual assault).

Section 3125 (relating to aggravated indecent  
assault).

Section 3126 (relating to indecent assault).

Section 3127 (relating to indecent exposure).

Section 4302 (relating to incest).

Section 4304 (relating to endangering welfare of  
children).

Section 6301 (relating to corruption of minors).

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

Section 6320 (relating to sexual exploitation of  
children).]

(c.1) Genetic identification evidence.--Notwithstanding any  
provision of law to the contrary, if evidence of [a misdemeanor  
sexual] an offense [set forth in subsection (c)(3)] under 18  
Pa.C.S. § 3126 (relating to indecent assault) or 3127 (relating  
to indecent exposure) or a felony offense is obtained containing  
human deoxyribonucleic acid (DNA) which is subsequently used to  
identify an otherwise unidentified individual as the perpetrator  
of the offense, the prosecution of the offense may be commenced  
within the period of limitations provided for the offense or one  
year after the identity of the individual is determined,

1   whichever is later.

2       \* \* \*

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