

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1895 Session of 2011

INTRODUCED BY MCGEEHAN, BISHOP, K. BOYLE, V. BROWN, BROWNLEE,
GEIST, GEORGE, GOODMAN, KORTZ, MANN, MILLARD, MURPHY, MURT,
PARKER, SANTARSIERO, JOSEPHS AND M. O'BRIEN, OCTOBER 18, 2011

REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 18, 2011

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, further providing for
3 exceptions to sovereign immunity and governmental immunity.

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

6 Section 1. Sections 8522(b) and 8542(b) of Title 42 of the
7 Pennsylvania Consolidated Statutes are amended by adding
8 paragraphs to read:

9 § 8522. Exceptions to sovereign immunity.

10 * * *

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

15 * * *

16 (10) Child sexual abuse.--Acts of child sexual abuse
17 which constitute gross negligence when committed by
18 individuals employed by a public institution, agency or other

legal entity for which actions are brought under section
5533(b) (relating to infancy, insanity or imprisonment).

§ 8542. Exceptions to governmental immunity.

* * *

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

* * *

(9) Child sexual abuse.--Acts of child sexual abuse
which constitute gross negligence when committed by
individuals employed by a public institution, agency or other
legal entity for which actions are brought under section
5533(b) (relating to infancy, insanity or imprisonment).

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Section 2. The addition of 42 Pa.C.S. §§ 8522(b) (10) and
8542(b) (9) shall apply to acts of child sexual abuse committed
on or after the effective date of this section.

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