

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 659 Session of 2011

INTRODUCED BY HUGHES, TARTAGLIONE, FONTANA, SCARNATI, GREENLEAF,
YUDICHAK, D. WHITE, ERICKSON, WOZNIAK, VANCE, GORDNER,
KASUNIC, FARNESE, FERLO AND BROWNE, FEBRUARY 28, 2011

REFERRED TO JUDICIARY, FEBRUARY 28, 2011

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, further providing for
3 statutes of limitations.

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

6 Section 1. Sections 5551 and 5552 of Title 42 of the
7 Pennsylvania Consolidated Statutes are amended to read:

8 § 5551. No limitation applicable.

9 A prosecution for the following offenses may be commenced at
10 any time:

11 (1) Murder.

12 (2) Voluntary manslaughter.

13 (3) Conspiracy to commit murder or solicitation to
14 commit murder if a murder results from the conspiracy or
15 solicitation.

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

murder).

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

(6) A violation of 18 Pa.C.S. § 2702(a)(1), (2), (4) or (7) (relating to aggravated assault) if the accused knew the victim was a law enforcement officer and the law enforcement officer was acting within the scope of the officer's duties.

(7) A violation of 18 Pa.C.S. § 3212 (relating to infanticide).

§ 5552. Other offenses.

(a) General rule.--Except as otherwise provided in this subchapter, a prosecution for an offense must be commenced within two years after it is committed.

(b) Major offenses.--A prosecution for any of the following offenses must be commenced within five years after it is committed:

(1) Under the following provisions of Title 18 (relating to crimes and offenses):

Section 901 (relating to criminal attempt) involving attempt to commit murder where no murder occurs.

Section 902 (relating to criminal solicitation) involving solicitation to commit murder where no murder occurs.

Section 903 (relating to criminal conspiracy) involving conspiracy to commit murder where no murder occurs.

Section 911 (relating to corrupt organizations).

1 Section 2702 (relating to aggravated assault).
2 Section 2706 (relating to terroristic threats).
3 Section 2713 (relating to neglect of care-dependent
4 person).
5 Section 2901 (relating to kidnapping).
6 Section 3211 (relating to abortion on unborn child of
7 24 or more weeks gestational age).
8 Section 3301 (relating to arson and related
9 offenses).
10 Section 3502 (relating to burglary).
11 Section 3701 (relating to robbery).
12 Section 3921 (relating to theft by unlawful taking or
13 disposition) through section 3933 (relating to unlawful
14 use of computer).
15 Section 4101 (relating to forgery).
16 Section 4107 (relating to deceptive or fraudulent
17 business practices).
18 Section 4108 (relating to commercial bribery and
19 breach of duty to act disinterestedly).
20 Section 4109 (relating to rigging publicly exhibited
21 contest).
22 Section 4117 (relating to insurance fraud).
23 Section 4701 (relating to bribery in official and
24 political matters) through section 4703 (relating to
25 retaliation for past official action).
26 Section 4902 (relating to perjury) through section
27 4912 (relating to impersonating a public servant).
28 Section 4952 (relating to intimidation of witnesses
29 or victims).
30 Section 4953 (relating to retaliation against

witness, victim or party).

Section 5101 (relating to obstructing administration of law or other governmental function).

Section 5111 (relating to dealing in proceeds of unlawful activities).

Section 5512 (relating to lotteries, etc.) through section 5514 (relating to pool selling and bookmaking).

Section 5902(b) (relating to prostitution and related offenses).

Section 6111(g) (2) and (4) (relating to sale or transfer of firearms).

(2) Any offense punishable under section 13(f) of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act.

(3) Any conspiracy to commit any of the offenses set forth in paragraphs (1) and (2) and any solicitation to commit any of the offenses in paragraphs (1) and (2) if the solicitation results in the completed offense.

(4) Under the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code.

(5) Under the act of November 24, 1998 (P.L.874, No.110), known as the Motor Vehicle Chop Shop and Illegally Obtained and Altered Property Act.

(b.1) Major sexual offenses.--A prosecution for any of the following offenses under Title 18 must be commenced within 12 years after it is committed:

Section 3121 (relating to rape).

Section 3122.1 (relating to statutory sexual assault).

Section 3123 (relating to involuntary deviate sexual intercourse).

1 Section 3124.1 (relating to sexual assault).

2 Section 3125 (relating to aggravated indecent assault).

3 Section 4302 (relating to incest).

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

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

8 (1) Any offense a material element of which is either
9 fraud or a breach of fiduciary obligation within one year
10 after discovery of the offense by an aggrieved party or by a
11 person who has a legal duty to represent an aggrieved party
12 and who is himself not a party to the offense, but in no case
13 shall this paragraph extend the period of limitation
14 otherwise applicable by more than three years.

15 (2) Any offense committed by a public officer or
16 employee in the course of or in connection with his office or
17 employment at any time when the defendant is in public office
18 or employment or within five years thereafter, but in no case
19 shall this paragraph extend the period of limitation
20 otherwise applicable by more than eight years.

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

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 (4) An offense in violation of 18 Pa.C.S. § 6111(c) or
17 (g), within one year of its discovery by State or local law
18 enforcement, but in no case shall this paragraph extend the
19 period of limitation otherwise applicable by more than eight
20 years.

21 (c.1) Genetic identification evidence.--Notwithstanding any
22 provision of law to the contrary, if evidence of a misdemeanor
23 sexual offense set forth in subsection (c)(3) or a felony
24 offense is obtained containing human deoxyribonucleic acid (DNA)
25 which is subsequently used to identify an otherwise unidentified
26 individual as the perpetrator of the offense, the prosecution of
27 the offense may be commenced within the period of limitations
28 provided for the offense or one year after the identity of the
29 individual is determined, whichever is later.

30 (d) Commission of offense.--An offense is committed either

1 when every element occurs, or, if a legislative purpose to
2 prohibit a continuing course of conduct plainly appears, at the
3 time when the course of conduct or the complicity of the
4 defendant therein is terminated. Time starts to run on the day
5 after the offense is committed.

6 (e) Commencement of prosecution.--Except as otherwise
7 provided by general rule adopted pursuant to section 5503
8 (relating to commencement of matters), a prosecution is
9 commenced either when an indictment is found or an information
10 under section 8931(b) (relating to indictment and information)
11 is issued, or when a warrant, summons or citation is issued, if
12 such warrant, summons or citation is executed without
13 unreasonable delay.

14 Section 2. The amendment of 42 Pa.C.S. §§ 5551 and 5552
15 shall apply to crimes occurring on or after the effective date
16 of this section.

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