

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1030 Session of  
2013

INTRODUCED BY MARSICO AND CALTAGIRONE, MARCH 20, 2013

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 20, 2013

AN ACT

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

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

8 Section 1. Section 5533(b)(2)(i) of Title 42 of the  
9 Pennsylvania Consolidated Statutes is amended to read:

10 § 5533. Infancy, insanity or imprisonment.

11 \* \* \*

12 (b) Infancy.--

13 \* \* \*

14 (2) (i) If an individual entitled to bring a civil  
15 action arising from childhood sexual abuse is under 18  
16 years of age at the time the cause of action accrues, the  
17 individual shall have a period of [12] 32 years after  
18 attaining 18 years of age in which to commence an action  
19 for damages regardless of whether the individual files a  
20 criminal complaint regarding the childhood sexual abuse.

1                   \* \* \*

2       Section 2. Section 5551 of Title 42 is amended by adding a  
3 paragraph to read:

4   § 5551. No limitation applicable.

5       A prosecution for the following offenses may be commenced at  
6 any time:

7                   \* \* \*

8       (7) An offense under any of the following provisions of  
9 Title 18 (relating to crimes and offenses) if the victim is  
10 under 18 years of age:

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 3124.2 (relating to institutional sexual  
18 assault).

19           Section 3125 (relating to aggravated indecent sexual  
20 assault).

21           Section 3126 (relating to indecent assault).

22           Section 3127 (relating to indecent exposure).

23           Section 4302 (relating to incest).

24           Section 4304 (relating to endangering welfare of  
25 children).

26           Section 6301 (relating to corruption of minors).

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

28           Section 6320 (relating to sexual exploitation of  
29 children).

30       Section 3. Section 5552(b.1), (c)(3) and (c.1) of Title 42

1 are amended to read:

2 § 5552. Other offenses.

3 \* \* \*

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

8 Section 3121 (relating to rape).

9 Section 3122.1 (relating to statutory sexual assault).

10 Section 3123 (relating to involuntary deviate sexual  
11 intercourse).

12 Section 3124.1 (relating to sexual assault).

13 Section 3125 (relating to aggravated indecent assault).

14 Section 4302 (relating to incest).

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

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

19 \* \* \*

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

27 Section 3121 (relating to rape).

28 Section 3122.1 (relating to statutory sexual  
29 assault).

30 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, whichever is later.

\* \* \*

Section 4. Sections 8522(b) and 8542(b) of Title 42 are amended by adding paragraphs to read:

§ 8522. Exceptions to sovereign immunity.

1 \* \* \*

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

6 \* \* \*

7 (10) Sexual abuse of minors.--The employment, use,  
8 persuasion, inducement, enticement or coercion of any minor  
9 under the care or control of a Commonwealth party to engage  
10 in or assist any other person to engage in any sexually  
11 explicit conduct or any simulation of any sexually explicit  
12 conduct for the purpose of producing any visual depiction,  
13 including photographing, videotaping, computer depicting or  
14 filming of any sexually explicit conduct or the rape, sexual  
15 assault, involuntary deviate sexual intercourse, aggravated  
16 indecent assault, molestation, incest, indecent exposure,  
17 prostitution, statutory sexual assault or any other form of  
18 sexual exploitation.

19 § 8542. Exceptions to governmental immunity.

20 \* \* \*

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

24 \* \* \*

25 (9) Sexual abuse of minors.--The employment, use,  
26 persuasion, inducement, enticement or coercion of any minor  
27 under the care or control of a local agency to engage in or  
28 assist any other person to engage in any sexually explicit  
29 conduct or any simulation of any sexually explicit conduct  
30 for the purpose of producing any visual depiction, including

1 photographing, videotaping, computer depicting or filming of  
2 any sexually explicit conduct or the rape, sexual assault,  
3 involuntary deviate sexual intercourse, aggravated indecent  
4 assault, molestation, incest, indecent exposure,  
5 prostitution, statutory sexual assault or any other form of  
6 sexual exploitation.

7 \* \* \*

8 Section 5. The amendment of 42 Pa.C.S. §§ 5533(b)(2)(i),  
9 5551, 5552(b.1), (c)(3) and (c.1), 8522(b) and 8542(b) shall not  
10 be interpreted to authorize or to revive any civil action that  
11 could be filed but for the time limitation under 42 Pa.C.S. §  
12 5522 or any other statute of limitation.

13 Section 6. This act shall take effect in 60 days.