

AMENDMENTS TO HOUSE BILL NO. 962

Sponsor: SENATOR BAKER

Printer's No. 2891

1 Amend Bill, page 1, line 13, by striking out "AND"

2 Amend Bill, page 1, line 15, by inserting after "ABUSE"

3 ; and

4 transferring money from the General Fund into the Crime
5 Victim's Compensation Fund

6 Amend Bill, page 2, line 4, by striking out "5533(b)(2)(i)"

7 and inserting

8 5533(b)(2)

9 Amend Bill, page 2, line 11, by inserting a bracket before

10 "childhood"

11 Amend Bill, page 2, line 11, by inserting a bracket after

12 "childhood"

13 Amend Bill, page 2, line 16, by inserting a bracket before

14 "childhood"

15 Amend Bill, page 2, line 16, by inserting a bracket after

16 "childhood"

17 Amend Bill, page 2, line 17, by striking out all of said line

18 and inserting

19 (i.1) If an individual entitled to bring a civil
20 action arising from sexual abuse is at least 18 and less
21 than 24 years of age at the time the cause of action
22 occurs, the individual shall have until attaining 30
23 years of age to commence an action for damages regardless
24 of whether the individual files a criminal complaint
25 regarding the sexual abuse.

26 (ii) For the purposes of this paragraph, the term

1 ["childhood sexual abuse"] "sexual abuse" shall include,
2 but not be limited to, the following sexual activities
3 between [a minor] an individual who is 23 years of age or
4 younger and an adult, provided that the individual
5 bringing the civil action engaged in such activities as a
6 result of forcible compulsion or by threat of forcible
7 compulsion which would prevent resistance by a person of
8 reasonable 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; and

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

21 Amend Bill, page 3, lines 15 and 16, by striking out all of
22 said lines and inserting

23 Section 4. Section 5552(b.1), (c)(3) and (c.1) of Title 42
24 are amended and subsection (c) is amended by adding a paragraph
25 to read:

26 Amend Bill, page 5, line 9, by striking out all of said line
27 and inserting

28 (3.1) Any sexual offense committed against an individual
29 who is 23 years of age or younger any time up to the later of
30 the period of limitation provided by law after the individual
31 has reached 24 years of age or 20 years after the date of the
32 offense. As used in this paragraph, the term "sexual offense"
33 means a crime under the following provisions of Title 18 or a
34 conspiracy or solicitation to commit an offense under any of
35 the following provisions of Title 18 if the offense results
36 from the conspiracy or solicitation:

37 Section 3011(a) as it relates to sexual servitude.

38 Section 3012 as it relates to sexual servitude.

39 Section 3121(a) and (b).

40 Section 3123(a).

41 Section 3124.1.

42 Section 3124.2(a) and (b).

43 Section 3125(a).

44 Section 3126.

45 Section 3127.

46 Section 4302(a).

47 * * *

1 (c.1) Genetic identification evidence.--Notwithstanding any
2 provision of law to the contrary, if evidence of a misdemeanor
3 sexual offense set forth in subsection (c)(3) or (3.1) or a
4 felony offense is obtained containing human deoxyribonucleic
5 acid (DNA) which is subsequently used to identify an otherwise
6 unidentified individual as the perpetrator of the offense, the
7 prosecution of the offense may be commenced within the period of
8 limitations provided for the offense or one year after the
9 identity of the individual is determined, whichever is later.

10 * * *

11 Amend Bill, page 7, line 5, by inserting after "MADE"
12 directly

13 Amend Bill, page 7, line 6, by inserting after "FUND."

14 The office shall determine the form and manner for
15 receiving payment under this paragraph.

16 Amend Bill, page 8, line 16, by striking out "SHALL" and
17 inserting

18 may

19 Amend Bill, page 8, by inserting between lines 21 and 22

20 "Counseling services." Mental health therapy performed by or
21 under the supervision of a health care provider.

22 Amend Bill, page 8, lines 25 through 27, by striking out all
23 of said lines and inserting

24 "Health care provider." Any of the following:

25 (1) A psychiatrist.

26 (2) An individual licensed under the act of March 23,
27 1972 (P.L.136, No.52), known as the Professional
28 Psychologists Practice Act.

29 (3) A licensed professional counselor, as defined in
30 section 3 of the act of July 9, 1987 (P.L.220, No.39), known
31 as the Social Workers, Marriage and Family Therapists and
32 Professional Counselors Act.

33 (4) A licensed social worker, as defined in section 3 of
34 the Social Workers, Marriage and Family Therapists and
35 Professional Counselors Act.

36 Amend Bill, page 8, line 28, by inserting after "SERVICES"
37 in the Pennsylvania Commission on Crime and Delinquency

38 Amend Bill, page 8, line 29, by inserting after "WHICH"
39 occurs in this Commonwealth and

40 Amend Bill, page 9, by inserting between lines 16 and 17

1 Section 8.2. The sum of \$5,000,000 is transferred from the
2 General Fund to the Crime Victim's Compensation Fund to be used
3 until June 30, 2021, to implement the addition of 42 Pa.C.S. §
4 9730.3(a)(1) for counseling services provided after the
5 effective date of this section. In fiscal years beginning after
6 June 30, 2021, the General Assembly shall appropriate money to
7 implement the addition of 42 Pa.C.S. § 9730.3(a)(1).

8 Amend Bill, page 9, lines 22 and 23, by striking out "5533(b)
9 (2)(i)" and inserting

10 5533(b)

11 Amend Bill, page 9, line 23, by striking out "and" where it
12 occurs the second time and inserting a comma

13 Amend Bill, page 9, line 23, by inserting after "(c)(3)"
14 and (3.1)

15 Amend Bill, page 9, line 26, by striking out "5533(b)(2)(i)"
16 and inserting

17 5533(b)(2)