

AMENDMENTS TO SENATE BILL NO. 261

Sponsor: REPRESENTATIVE ROZZI

Printer's No. 631

1 Amend Bill, page 1, lines 1 through 8, by striking out all of
2 said lines and inserting

3 Amending Title 42 (Judiciary and Judicial Procedure) of the
4 Pennsylvania Consolidated Statutes, in limitation of time,
5 further providing for six months limitation, for infancy,
6 insanity or imprisonment, for no limitation applicable and
7 for other offenses; and, in matters affecting government
8 units, further providing for exceptions to sovereign immunity
9 and for exceptions to governmental immunity.

10 Amend Bill, page 1, lines 11 through 20; pages 2 through 8,
11 lines 1 through 30; by striking out all of said lines on said
12 pages and inserting

13 Section 1. Section 5522 of Title 42 of the Pennsylvania
14 Consolidated Statutes is amended by adding a subsection to read:
15 § 5522. Six months limitation.

16 * * *

17 (c) Exception.--This section shall not apply to any civil
18 action or proceeding brought under section 8522(b)(10) (relating
19 to exceptions to sovereign immunity) or 8542(b)(9) (relating to
20 exceptions to governmental immunity).

21 Section 2. Section 5533(b)(2)(i) of Title 42 is amended and
22 the section is amended by adding a subsection to read:
23 § 5533. Infancy, insanity or imprisonment.

24 * * *

25 (b) Infancy.--

26 * * *

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

34 * * *

35 (c) Revival of claims.--Notwithstanding subsection (b) or

1 any other provision of law, for an individual entitled to bring
2 a civil action arising from childhood sexual abuse where the
3 limitation period has expired, the individual shall have an
4 additional period of two years from the effective date of this
5 subsection to commence an action.

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

8 § 5551. No limitation applicable.

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

11 * * *

12 (7) An offense under any of the following provisions of
13 18 Pa.C.S. (relating to crimes and offenses), or a conspiracy
14 or solicitation to commit an offense under any of the
15 following provisions of 18 Pa.C.S. if the offense results
16 from the conspiracy or solicitation, if the victim was under
17 18 years of age at the time of the offense:

18 Section 3011(b) (relating to trafficking in
19 individuals).

20 Section 3012 (relating to involuntary servitude) as
21 it relates to sexual servitude.

22 Section 3121 (relating to rape).

23 Section 3122.1 (relating to statutory sexual
24 assault).

25 Section 3123 (relating to involuntary deviate sexual
26 intercourse).

27 Section 3124.1 (relating to sexual assault).

28 Section 3124.2 (relating to institutional sexual
29 assault).

30 Section 3125 (relating to aggravated indecent
31 assault).

32 Section 4302 (relating to incest).

33 Section 4. Section 5552(b.1) and (c) (3) of Title 42 are
34 amended to read:

35 § 5552. Other offenses.

36 * * *

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

41 Section 3121 (relating to rape).

42 Section 3122.1 (relating to statutory sexual assault).

43 Section 3123 (relating to involuntary deviate sexual
44 intercourse).

45 Section 3124.1 (relating to sexual assault).

46 Section 3124.2 (relating to institutional sexual
47 assault).

48 Section 3125 (relating to aggravated indecent assault).

49 Section 4302 (relating to incest).

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

51 (c) Exceptions.--If the period prescribed in subsection (a),

1 (b) or (b.1) has expired, a prosecution may nevertheless be
2 commenced for:

3 * * *

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

11 Section 3011(b) (relating to trafficking in
12 individuals).

13 Section 3012 (relating to involuntary servitude) as
14 it relates to sexual servitude.

15 Section 3121 (relating to rape).

16 Section 3122.1 (relating to statutory sexual
17 assault).

18 Section 3123 (relating to involuntary deviate sexual
19 intercourse).

20 Section 3124.1 (relating to sexual assault).

21 Section 3125 (relating to aggravated indecent
22 assault).] or a conspiracy or solicitation to commit an
23 offense under any of the following provisions of Title 18
24 if the offense results from the conspiracy or
25 solicitation:

26 Section 3126 (relating to indecent assault).

27 Section 3127 (relating to indecent exposure).

28 [Section 4302 (relating to incest).]

29 Section 4304 (relating to endangering welfare of
30 children).

31 Section 6301 (relating to corruption of minors).

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

34 Section 6320 (relating to sexual exploitation of
35 children).

36 * * *

37 Section 5. Sections 8522(b) and 8542(b) of Title 42 are
38 amended by adding paragraphs to read:

39 § 8522. Exceptions to sovereign immunity.

40 * * *

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

45 * * *

46 (10) Sexual abuse.--Conduct which constitutes an offense
47 enumerated under section 5551(7) (relating to no limitation
48 applicable) if the injuries to the plaintiff were caused by
49 actions or omissions of the Commonwealth party which
50 constitute gross negligence. Sovereign immunity may be raised
51 to the extent the actions or omissions of the Commonwealth

1 party constitute negligence.

2 § 8542. Exceptions to governmental immunity.

3 * * *

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

7 * * *

8 (9) Sexual abuse.--Conduct which constitutes an offense
9 enumerated under section 5551(7) (relating to no limitation
10 applicable) if the injuries to the plaintiff were caused by
11 actions or omissions of the local agency which constitute
12 gross negligence. Governmental immunity may be raised to the
13 extent the actions or omissions of the local agency
14 constitute negligence.

15 * * *

16 Section 6. Severability.

17 The provisions of this act are severable. If any provision of
18 this act is held invalid, the invalidity shall not affect other
19 provisions or applications of this act which can be given effect
20 without the invalid provision or application.

21 Section 7. This act shall apply as follows:

22 (1) The amendment or addition of 42 Pa.C.S. §§ 5551(7)
23 and 5552(b.1) and (c)(3) shall not be applied to revive an
24 action which has been barred by an existing statute of
25 limitations on the effective date of this section.

26 (2) The amendment or addition of the following
27 provisions shall be applied retroactively to civil actions,
28 including to revive an action which was barred by a statute
29 of limitations prior to the effective date of this section:

30 (i) 42 Pa.C.S. § 5522(c).

31 (ii) 42 Pa.C.S. § 5533(c).

32 (iii) 42 Pa.C.S. § 8522(b)(10).

33 (iv) 42 Pa.C.S. § 8542(b)(9).

34 (3) The amendment of 42 Pa.C.S. § 5533(b)(2)(i) shall
35 apply retroactively to civil actions where the limitation
36 period has not expired as of the effective date of this
37 section.

38 Section 8. This act shall take effect in 60 days.