

AMENDMENTS TO HOUSE BILL NO. 962

Sponsor: SENATOR MUTH

Printer's No. 2891

1 Amend Bill, page 1, line 1, by striking out "Title" and
2 inserting

3 Titles 23 (Domestic Relations) and

4 Amend Bill, page 1, line 3, by inserting after "STATUTES,"
5 in child protective services, further providing for penalties;
6 and

7 Amend Bill, page 1, lines 18 and 19, by striking out all of
8 said lines and inserting

9 Section 1. Section 6319(b), (c) and (d) of Title 23 of the
10 Pennsylvania Consolidated Statutes are amended to read:
11 § 6319. Penalties.

12 * * *

13 (b) Continuing course of action.--If a person's willful
14 failure under [subsection (a)] this section to report an
15 individual suspected of child abuse continues while the person
16 knows or has reasonable cause to [believe the] suspect a child
17 is [actively] being subjected to child abuse by the same
18 individual, or while the person knows or has reasonable cause to
19 suspect that the same individual continues to have direct
20 contact with children through the individual's employment,
21 program, activity or service, the person commits a [misdemeanor
22 of the first degree] felony of the third degree, except that if
23 the child abuse constitutes a felony of the first degree or
24 higher, the person commits a felony of the [third] second
25 degree.

26 (c) Multiple offenses.--A person who [commits a second or
27 subsequent offense under subsection (a)], at the time of
28 sentencing for an offense under this section, has been convicted
29 of a prior offense under this section commits a felony of the
30 third degree, except that if the child abuse constitutes a
31 felony of the first degree or higher, the penalty for the second
32 or subsequent offenses is a felony of the second degree.

33 (d) Statute of limitations.--The statute of limitations for
34 an offense under [subsection (a)] this section shall be either
35 the statute of limitations for the crime committed against the

1 minor child or five years, whichever is greater.

2 Section 1.1. Section 5522 of Title 42 is amended by adding a
3 subsection to read:

4 Amend Bill, page 2, line 4, by inserting after "amended"
5 and the section is amended by adding subsections

6 Amend Bill, page 2, line 13, by inserting a bracket before
7 "shall"

8 Amend Bill, page 2, line 13, by striking out the bracket
9 before "12"

10 Amend Bill, page 2, line 13, by striking out "]" 37"

11 Amend Bill, page 2, line 14, by inserting after "to"

12] may

13 Amend Bill, page 2, line 16, by inserting after "abuse"

14 or the age of the individual

15 Amend Bill, page 2, by inserting between lines 17 and 18

16 (c) Postinfancy action.--

17 (1) If an individual entitled to bring a civil action
18 arising from sexual abuse is 18 years of age or older at the
19 time the cause of action accrues, the individual may commence
20 an action for damages regardless of whether the individual
21 files a criminal complaint regarding the sexual abuse or the
22 age of the individual.

23 (2) For the purpose of this subsection, the term "sexual
24 abuse" shall include actions that constitute an offense under
25 the following provisions of 18 Pa.C.S. (relating to crimes
26 and offenses):

27 Section 3011(a) (relating to trafficking in
28 individuals).

29 Section 3012 (relating to involuntary servitude) as
30 it relates to sexual servitude.

31 Section 3121 (relating to rape).

32 Section 3123 (relating to involuntary deviate sexual
33 intercourse).

34 Section 3124.1 (relating to sexual assault).

35 Section 3124.2 (relating to institutional sexual
36 assault).

37 Section 3125 (relating to aggravated indecent
38 assault).

39 Section 4302 (relating to incest).

40 (d) Revival of claims.--The following shall apply:

41 (1) Notwithstanding subsection (b) or any other

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

(2) Notwithstanding subsection (c) or any other provision of law, for an individual who is 18 years of age or older and entitled to bring a civil action arising from sexual abuse where the limitation period has expired, the individual shall have an additional period of two years from the effective date of this subsection to commence an action.

Amend Bill, page 2, lines 18 and 19, by striking out "a paragraph" and inserting paragraphs

Amend Bill, page 3, by inserting between lines 14 and 15

(8) An offense under any of the following provisions of 18 Pa.C.S., or a conspiracy or solicitation to commit an offense under any of the following provisions of 18 Pa.C.S. if the offense results from the conspiracy or solicitation, if the victim was 18 years of age or older at the time of the offense:

Section 3011(a).

Section 3012 as it relates to sexual servitude.

Section 3121.

Section 3123.

Section 3124.1.

Section 3124.2.

Section 3125.

Section 4302.

Amend Bill, page 3, line 20, by inserting after "5551(7)"

or (8)

Amend Bill, page 5, by inserting between lines 9 and 10

Section 4.1. Title 42 is amended by adding a section to read:

§ 8316.2. Contracts or agreements for nondisclosure of certain conduct.

(a) Prohibition.--Except as provided in subsection (b), an individual may not enter into, revise or amend an agreement, contract, settlement or similar instrument that includes a provision that:

(1) prohibits or attempts to prohibit the disclosure of the name of an individual suspected of sexual abuse;

(2) suppresses or attempts to suppress information relevant to an investigation by law enforcement authorities into a claim of sexual abuse;

1 (3) impairs or attempts to impair the ability of an
2 individual to report a claim of sexual abuse to law
3 enforcement authorities; or

4 (4) impairs or attempts to impair the ability of an
5 individual to publicly disclose a claim of sexual abuse.

6 (b) Exception.--An individual may enter into, revise or
7 amend an agreement, contract, settlement or similar instrument
8 to include a provision prohibited under subsection (a)(1) or (4)
9 if the individual who was the victim of sexual abuse requests a
10 provision be included.

11 (c) Void provisions.--A provision of an agreement, contract,
12 settlement or similar instrument that is contrary to this
13 section shall be void and unenforceable.

14 (d) Definitions.--As used in this section, the following
15 words and phrases shall have the meanings given to them in this
16 subsection unless the context clearly indicates otherwise:

17 "Childhood sexual abuse." Conduct that is subject to 23
18 Pa.C.S. Ch. 63 (relating to child protective services) and is
19 directed toward or against a child, notwithstanding the age of
20 the child.

21 "Law enforcement authorities." An individual or entity
22 charged with the enforcement of Federal, State or municipal law.

23 "Sexual abuse." As defined in section 5533(c)(2) (relating
24 to infancy, insanity or imprisonment). The term includes
25 childhood sexual abuse.

26 Amend Bill, page 5, line 20, by inserting after "5551(7)"

27 or (8)

28 Amend Bill, page 6, line 16, by inserting after "5551(7)"

29 or (8)

30 Amend Bill, page 10, lines 14 through 30; page 11, lines 1
31 through 13; by striking out all of said lines on said pages and
32 inserting

33 Section 11. This act shall take effect immediately.