

## AMENDMENTS TO HOUSE BILL NO. 14

Sponsor: SENATOR MUTH

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1 Amend Bill, page 1, prior passage line, by striking out all  
2 of said line

3 Amend Bill, page 1, before line 1, by striking out "A JOINT  
4 RESOLUTION" and inserting

5 AN ACT

6 Amend Bill, page 1, lines 1 through 17; pages 2 through 5,  
7 lines 1 through 30; page 6, lines 1 through 20; by striking out  
8 all of said lines on said pages and inserting

9 Amending Title 42 (Judiciary and Judicial Procedure) of the  
10 Pennsylvania Consolidated Statutes, in limitation of time,  
11 further providing for infancy, insanity or imprisonment; and,  
12 in matters affecting government units, further providing for  
13 exceptions to sovereign immunity and for exceptions to  
14 governmental immunity.

15 The General Assembly of the Commonwealth of Pennsylvania  
16 hereby enacts as follows:

17 Section 1. Section 5533(b) of Title 42 of the Pennsylvania  
18 Consolidated Statutes is amended and the section is amended by  
19 adding a subsection to read:

20 § 5533. Infancy, insanity or imprisonment.

21 \* \* \*

22 (b) Infancy.--

23 (1) (i) If an individual entitled to bring a civil  
24 action is an unemancipated minor at the time the cause of  
25 action accrues, the period of minority shall not be  
26 deemed a portion of the time period within which the  
27 action must be commenced. Such person shall have the same  
28 time for commencing an action after attaining majority as  
29 is allowed to others by the provisions of this  
30 subchapter.

31 (ii) As used in this paragraph, the term "minor"  
32 shall mean any individual who has not yet attained 18  
33 years of age.

1 (2) (i) If an individual entitled to bring a civil  
2 action arising from sexual abuse is under 18 years of age  
3 at the time the cause of action accrues, the individual  
4 shall have a period of 37 years after attaining 18 years  
5 of age in which to commence an action for damages  
6 regardless of whether the individual files a criminal  
7 complaint regarding the sexual abuse.

8 (i.1) If an individual entitled to bring a civil  
9 action arising from sexual abuse is at least 18 and less  
10 than 24 years of age at the time the cause of action  
11 occurs, the individual shall have until attaining 30  
12 years of age to commence an action for damages regardless  
13 of whether the individual files a criminal complaint  
14 regarding the sexual abuse.

15 (ii) For the purposes of this paragraph, the term  
16 "sexual abuse" shall include, but not be limited to, the  
17 following sexual activities between an individual who is  
18 23 years of age or younger and an adult, provided that  
19 the individual bringing the civil action engaged in such  
20 activities as a result of forcible compulsion or by  
21 threat of forcible compulsion which would prevent  
22 resistance by a person of reasonable resolution:

23 (A) sexual intercourse, which includes  
24 penetration, however slight, of any body part or  
25 object into the sex organ of another;

26 (B) deviate sexual intercourse, which includes  
27 sexual intercourse per os or per anus; and

28 (C) indecent contact, which includes any  
29 touching of the sexual or other intimate parts of the  
30 person for the purpose of arousing or gratifying  
31 sexual desire in either person.

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

35 (3) Notwithstanding the provisions under paragraph (2)  
36 or any other provision of law to the contrary, in the case of  
37 an individual entitled to bring a civil action arising from  
38 sexual abuse where the limitation period has expired, the  
39 individual shall have an additional period of two years from  
40 the effective date of this paragraph to commence an action.

41 (c) Exclusive jurisdiction.--The Pennsylvania Supreme Court  
42 shall have exclusive jurisdiction to hear any challenge to or to  
43 render a declaratory judgment concerning the constitutionality  
44 of subsection (b)(3). The Supreme Court is authorized to take  
45 such action as it deems appropriate, consistent with the Supreme  
46 Court retaining jurisdiction over such a matter, to find facts  
47 or to expedite a final judgment in connection with such a  
48 challenge or request for declaratory relief.

49 Section 2. Sections 8522(b)(10) and 8542(b)(9) of Title 42  
50 are amended to read:  
51 § 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.--

8 (i) Conduct which constitutes an offense enumerated  
9 under section 5551(7) (relating to no limitation  
10 applicable) if the injuries to the plaintiff were caused  
11 by actions or omissions of the Commonwealth party which  
12 constitute negligence.

13 (ii) This paragraph shall apply retroactively to any  
14 cause of action that arose before the effective date of  
15 this paragraph.

16 § 8542. Exceptions to governmental immunity.

17 \* \* \*

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

21 \* \* \*

22 (9) Sexual abuse.--

23 (i) Conduct which constitutes an offense enumerated  
24 under section 5551(7) (relating to no limitation  
25 applicable) if the injuries to the plaintiff were caused  
26 by actions or omissions of the local agency which  
27 constitute negligence.

28 (ii) This paragraph shall apply retroactively to any  
29 cause of action that arose before the effective date of  
30 this paragraph.

31 \* \* \*

32 Section 3. As follows:

33 (1) The addition of 42 Pa.C.S. §§ 5533(b)(3) and (c),  
34 8522(b)(10) and 8542(b)(9) shall apply retroactively to civil  
35 actions, including to revive an action that was barred by a  
36 limitation period prior to the effective date of this  
37 section.

38 (2) The amendment of 42 Pa.C.S. §§ 8522(b)(10) and  
39 8542(b)(9) shall apply to any action that was barred by an  
40 existing statute of limitations on the effective date of this  
41 section.

42 Section 4. This act shall take effect immediately.