

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 447 Session of  
1997

INTRODUCED BY GREENLEAF, GERLACH, MELLOW, SALVATORE, SCHWARTZ  
AND TOMLINSON, FEBRUARY 11, 1997

REFERRED TO JUDICIARY, FEBRUARY 11, 1997

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, further providing for  
3 tolling the statute of limitations in childhood sexual abuse  
4 cases.

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

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

9 § 5533. Infancy, insanity or imprisonment.

10 \* \* \*

11 (b) Infancy.--

12 (1) If an individual entitled to bring a civil action is  
13 an unemancipated minor at the time the cause of action  
14 accrues, the period of minority shall not be deemed a portion  
15 of the time period within which the action must be commenced.  
16 Such person shall have the same time for commencing an action  
17 after attaining majority as is allowed to others by the  
18 provisions of this subchapter. As used in this [subsection]

1 paragraph, the term "minor" shall mean any individual who has  
2 not yet attained [the age of 18.] 18 years of age.

3 (2) (i) If an individual entitled to bring a civil  
4 action arising from childhood sexual abuse is under 18  
5 years of age at the time the cause of action accrues, the  
6 individual shall have a period of 12 years after  
7 attaining 18 years of age in which to commence an action  
8 for damages.

9 (ii) The filing of a criminal complaint shall not be  
10 a prerequisite to the commencement of a civil action  
11 under this paragraph.

12 (iii) For the purposes of this paragraph, the term  
13 "childhood sexual abuse" shall include, but not be  
14 limited to, the following sexual activities between a  
15 minor and an adult, provided that the individual bringing  
16 the civil action had engaged in such activities as a  
17 result of physical or psychological force or the threat  
18 of physical or psychological force:

19 (A) sexual intercourse, which includes  
20 penetration, however slight, of any body part or  
21 object into the sex organ of another;

22 (B) deviate sexual intercourse, which includes  
23 sexual intercourse per os or per anus; and

24 (C) indecent contact, which includes any  
25 touching of the sexual or other intimate parts of the  
26 person for the purpose of arousing or gratifying  
27 sexual desire in either person.

28 Section 2. The amendment of 42 Pa.C.S. § 5533(b) shall not  
29 be applied to revive an action which has been barred by an  
30 existing statute of limitations on the effective date of this

1 act.

2 Section 3. This act shall take effect in 60 days.