
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 212 Session of
2001

INTRODUCED BY GREENLEAF, COSTA, GERLACH, SCHWARTZ, HOLL,
TOMLINSON AND KITCHEN, JANUARY 31, 2001

REFERRED TO JUDICIARY, JANUARY 31, 2001

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 regardless of whether the individual files a
9 criminal complaint regarding the childhood sexual abuse.

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

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

20 (B) deviate sexual intercourse, which includes
21 sexual intercourse per os or per anus; and

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

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

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