

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1362 Session of
2002

INTRODUCED BY BOSCOLA, BELL, MUSTO, ERICKSON, COSTA, ORIE,
MELLOW, WAGNER, LAVALLE, LOGAN, STACK, KITCHEN, TARTAGLIONE,
STOUT, WOZNIAK, KUKOVICH, HUGHES AND KASUNIC, MARCH 20, 2002

REFERRED TO JUDICIARY, MARCH 20, 2002

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, further providing for
3 statutes of limitations for certain offenses.

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

6 Section 1. Section 5551 of Title 42 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 5551. No limitation applicable.

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

11 (1) Murder.

12 (2) Voluntary manslaughter.

13 (3) Conspiracy to commit murder or solicitation to
14 commit murder if a murder results from the conspiracy or
15 solicitation.

16 (4) Any felony alleged to have been perpetrated in
17 connection with a murder of the first or second degree, as
18 set forth in 18 Pa.C.S. § 2502(a) or (b) and (d) (relating to

1 murder).

2 (5) A violation of 75 Pa.C.S. § 3742 (relating to
3 accidents involving death or personal injury) or 3732
4 (relating to homicide by vehicle) if the accused was the
5 driver of a vehicle involved in an accident resulting in the
6 death of any person.

7 (6) Any violation of Title 18 (relating to crimes and
8 offenses) as follows:

9 Section 3121 (relating to rape).

10 Section 3122.1 (relating to statutory sexual
11 assault).

12 Section 3123 (relating to involuntary deviate sexual
13 intercourse).

14 Section 3124.1 (relating to sexual assault).

15 Section 3124.2 (relating to institutional sexual
16 assault).

17 Section 3125 (relating to aggravated indecent
18 assault).

19 Section 3126 (relating to indecent assault).

20 Section 3127 (relating to indecent exposure).

21 Section 4302 (relating to incest).

22 Section 6312(b) (relating to sexual abuse of
23 children).

24 Section 2. Section 5552 of Title 42, amended November 21,
25 2001 (P.L.844, No.86), is amended to read:

26 § 5552. Other offenses.

27 (a) General rule.--Except as otherwise provided in this
28 subchapter, a prosecution for an offense must be commenced
29 within two years after it is committed.

30 (b) Major offenses.--A prosecution for any of the following

1 offenses must be commenced within five years after it is
2 committed:

3 (1) Under the following provisions of Title 18 (relating
4 to crimes and offenses):

5 Section 901 (relating to criminal attempt) involving
6 attempt to commit murder where no murder occurs.

7 Section 902 (relating to criminal solicitation)
8 involving solicitation to commit murder where no murder
9 occurs.

10 Section 903 (relating to criminal conspiracy)
11 involving conspiracy to commit murder where no murder
12 occurs.

13 Section 911 (relating to corrupt organizations).

14 Section 2702 (relating to aggravated assault).

15 Section 2706 (relating to terroristic threats).

16 Section 2713 (relating to neglect of care-dependent
17 person).

18 Section 2901 (relating to kidnapping).

19 [Section 3121 (relating to rape).

20 Section 3122.1 (relating to statutory sexual
21 assault).

22 Section 3123 (relating to involuntary deviate sexual
23 intercourse).

24 Section 3124.1 (relating to sexual assault).

25 Section 3125 (relating to aggravated indecent
26 assault).]

27 Section 3301 (relating to arson and related
28 offenses).

29 Section 3502 (relating to burglary).

30 Section 3701 (relating to robbery).

1 Section 3921 (relating to theft by unlawful taking or
2 disposition) through section 3933 (relating to unlawful
3 use of computer).

4 Section 4101 (relating to forgery).

5 Section 4107 (relating to deceptive or fraudulent
6 business practices).

7 Section 4108 (relating to commercial bribery and
8 breach of duty to act disinterestedly).

9 Section 4109 (relating to rigging publicly exhibited
10 contest).

11 Section 4117 (relating to insurance fraud).

12 [Section 4302 (relating to incest).]

13 Section 4701 (relating to bribery in official and
14 political matters) through section 4703 (relating to
15 retaliation for past official action).

16 Section 4902 (relating to perjury) through section
17 4912 (relating to impersonating a public servant).

18 Section 4952 (relating to intimidation of witnesses
19 or victims).

20 Section 4953 (relating to retaliation against witness
21 or victim).

22 Section 5101 (relating to obstructing administration
23 of law or other governmental function).

24 Section 5111 (relating to dealing in proceeds of
25 unlawful activities).

26 Section 5512 (relating to lotteries, etc.) through
27 section 5514 (relating to pool selling and bookmaking).

28 Section 5902(b) (relating to prostitution and related
29 offenses).

30 [Section 6312 (relating to sexual abuse of

children).]

(2) Any offense punishable under section 13(f) of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act.

(3) Any conspiracy to commit any of the offenses set forth in paragraphs (1) and (2) and any solicitation to commit any of the offenses in paragraphs (1) and (2) if the solicitation results in the completed offense.

(4) Under the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code.

(5) Under the act of November 24, 1998 (P.L.874, No.110), known as the Motor Vehicle Chop Shop and Illegally Obtained and Altered Property Act.

(c) Exceptions.--If the period prescribed in subsection (a) or subsection (b) has expired, a prosecution may nevertheless be commenced for:

(1) Any offense a material element of which is either fraud or a breach of fiduciary obligation within one year after discovery of the offense by an aggrieved party or by a person who has a legal duty to represent an aggrieved party and who is himself not a party to the offense, but in no case shall this paragraph extend the period of limitation otherwise applicable by more than three years.

(2) Any offense committed by a public officer or employee in the course of or in connection with his office or employment at any time when the defendant is in public office or employment or within five years thereafter, but in no case shall this paragraph extend the period of limitation otherwise applicable by more than eight years.

(3) Any sexual offense committed against a minor who is

1 less than 18 years of age any time up to the period of
2 limitation provided by law after the minor has reached 18
3 years of age. As used in this paragraph, the term "sexual
4 offense" means a crime under the following provisions of
5 Title 18 (relating to crimes and offenses):

6 [Section 3121 (relating to rape).

7 Section 3122 (relating to statutory rape).

8 Section 3123 (relating to involuntary deviate sexual
9 intercourse).

10 Section 3124 (relating to voluntary deviate sexual
11 intercourse).

12 Section 3125 (relating to aggravated indecent
13 assault).

14 Section 3126 (relating to indecent assault).

15 Section 3127 (relating to indecent exposure).

16 Section 4302 (relating to incest).]

17 Section 4304 (relating to endangering welfare of
18 children).

19 Section 6301 (relating to corruption of minors).

20 [Section 6312(b) (relating to sexual abuse of
21 children).]

22 (d) Commission of offense.--An offense is committed either
23 when every element occurs, or, if a legislative purpose to
24 prohibit a continuing course of conduct plainly appears, at the
25 time when the course of conduct or the complicity of the
26 defendant therein is terminated. Time starts to run on the day
27 after the offense is committed.

28 (e) Commencement of prosecution.--Except as otherwise
29 provided by general rule adopted pursuant to section 5503
30 (relating to commencement of matters), a prosecution is

1 commenced either when an indictment is found or an information
2 under section 8931(b) (relating to indictment and information)
3 is issued, or when a warrant, summons or citation is issued, if
4 such warrant, summons or citation is executed without
5 unreasonable delay.

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