

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1415 Session of  
2002

INTRODUCED BY BOSCOLA, COSTA, KUKOVICH, KITCHEN, WAGNER,  
TARTAGLIONE, STOUT, MUSTO, LOGAN, LAVALLE, MELLOW AND BELL,  
APRIL 23, 2002

REFERRED TO JUDICIARY, APRIL 23, 2002

AN ACT

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

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

6 Section 1. Section 5552 of Title 42 of the Pennsylvania  
7 Consolidated Statutes, amended November 21, 2001 (P.L.844,  
8 No.86), is amended to read:

9 § 5552. Other offenses.

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

13 (b) Major offenses.--A prosecution for any of the following  
14 offenses must be commenced within five years after it is  
15 committed:

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

18 Section 901 (relating to criminal attempt) involving

attempt to commit murder where no murder occurs.

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

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

Section 911 (relating to corrupt organizations).

Section 2702 (relating to aggravated assault).

Section 2706 (relating to terroristic threats).

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

Section 2901 (relating to kidnapping).

Section 3121 (relating to rape).

Section 3122.1 (relating to statutory sexual assault).

Section 3123 (relating to involuntary deviate sexual intercourse).

Section 3124.1 (relating to sexual assault).

Section 3125 (relating to aggravated indecent assault).

Section 3301 (relating to arson and related offenses).

Section 3502 (relating to burglary).

Section 3701 (relating to robbery).

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

Section 4101 (relating to forgery).

Section 4107 (relating to deceptive or fraudulent

business practices).

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

Section 4109 (relating to rigging publicly exhibited contest).

Section 4117 (relating to insurance fraud).

Section 4302 (relating to incest).

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

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

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

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

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

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

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

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

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

1 commit any of the offenses in paragraphs (1) and (2) if the  
2 solicitation results in the completed offense.

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

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

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

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

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

24 (3) Any sexual offense committed against a minor who is  
25 less than 18 years of age any time up to the period of  
26 limitation provided by law after the minor has reached 18  
27 years of age. As used in this paragraph, the term "sexual  
28 offense" means a crime under the following provisions of  
29 Title 18 (relating to crimes and offenses):

30 [Section 3121 (relating to rape).

1           Section 3122 (relating to statutory rape).

2           Section 3123 (relating to involuntary deviate sexual

3 intercourse).

4           Section 3124 (relating to voluntary deviate sexual

5 intercourse).

6           Section 3125 (relating to aggravated indecent

7 assault).

8           Section 3126 (relating to indecent assault).

9           Section 3127 (relating to indecent exposure).

10          Section 4302 (relating to incest).]

11          Section 4304 (relating to endangering welfare of

12 children).

13          Section 6301 (relating to corruption of minors).

14          [Section 6312(b) (relating to sexual abuse of

15 children).]

16          (4) Any sexual offense committed against a minor who is

17 less than 18 years of age any time without limitation. As

18 used in this paragraph, the term "sexual offense" means a

19 crime under the following provisions of Title 18:

20           Section 3121 (relating to rape).

21           Section 3122.1 (relating to statutory sexual

22 assault).

23           Section 3123 (relating to involuntary deviate sexual

24 intercourse).

25           Section 3124.1 (relating to sexual assault).

26           Section 3125 (relating to aggravated indecent

27 assault).

28           Section 4302 (relating to incest).

29           Section 6312 (relating to sexual abuse of children).

30          (d) Commission of offense.--An offense is committed either

1 when every element occurs, or, if a legislative purpose to  
2 prohibit a continuing course of conduct plainly appears, at the  
3 time when the course of conduct or the complicity of the  
4 defendant therein is terminated. Time starts to run on the day  
5 after the offense is committed.

6 (e) Commencement of prosecution.--Except as otherwise  
7 provided by general rule adopted pursuant to section 5503  
8 (relating to commencement of matters), a prosecution is  
9 commenced either when an indictment is found or an information  
10 under section 8931(b) (relating to indictment and information)  
11 is issued, or when a warrant, summons or citation is issued, if  
12 such warrant, summons or citation is executed without  
13 unreasonable delay.

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