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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**SENATE BILL**

**No. 549**      Session of  
2003

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INTRODUCED BY BOSCOLA, WOZNIAK, MUSTO, LAVALLE, LOGAN, KUKOVICH,  
KITCHEN, STOUT, KASUNIC AND WAGNER, MARCH 31, 2003

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REFERRED TO JUDICIARY, MARCH 31, 2003

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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. Sections 5551 and 5552 of Title 42 of the  
7 Pennsylvania Consolidated Statutes are 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 § 5552. Other offenses.

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

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

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

3 Section 901 (relating to criminal attempt) involving  
4 attempt to commit murder where no murder occurs.

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

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

11 Section 911 (relating to corrupt organizations).

12 Section 2702 (relating to aggravated assault).

13 Section 2706 (relating to terroristic threats).

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

16 Section 2901 (relating to kidnapping).

17 Section 3301 (relating to arson and related  
18 offenses).

19 Section 3502 (relating to burglary).

20 Section 3701 (relating to robbery).

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

24 Section 4101 (relating to forgery).

25 Section 4107 (relating to deceptive or fraudulent  
26 business practices).

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

29 Section 4109 (relating to rigging publicly exhibited  
30 contest).

1           Section 4117 (relating to insurance fraud).

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

5           Section 4902 (relating to perjury) through section  
6 4912 (relating to impersonating a public servant).

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

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

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

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

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

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

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

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

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

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

1 [(b.1) Major sexual offenses.--A prosecution for any of the  
2 following offenses must be commenced within 12 years after it is  
3 committed:

4 Section 3121 (relating to rape).

5 Section 3122.1 (relating to statutory sexual  
6 assault).

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

9 Section 3124.1 (relating to sexual assault).

10 Section 3125 (relating to aggravated indecent  
11 assault).

12 Section 4302 (relating to incest).

13 Section 6312 (relating to sexual abuse of children).]

14 (c) Exceptions.--If the period prescribed in subsection  
15 (a)[,] or (b) [or (b.1)] has expired, a prosecution may  
16 nevertheless be commenced for:

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

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

30 (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 3122.1 (relating to statutory sexual  
8 assault).

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

11 Section 3124.1 (relating to sexual assault).

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 2. This act shall take effect in 60 days.