

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2287 Session of
2005

INTRODUCED BY O'BRIEN, DECEMBER 5, 2005

REFERRED TO COMMITTEE ON JUDICIARY, DECEMBER 5, 2005

AN ACT

1 Amending Titles 18 (Crimes and Offenses), and 42 (Judiciary and
2 Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, further providing for liability of organizations
4 and certain related persons; and further providing for
5 limitations on actions and for other offenses.

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

8 Section 1. Section 307(c) and (f) of Title 18 of the
9 Pennsylvania Consolidated Statutes are amended to read:

10 § 307. Liability of organizations and certain related persons.

11 * * *

12 (c) Unincorporated associations.--An unincorporated
13 association may be convicted of the commission of an offense if
14 any of the following apply:

15 (1) the offense is defined by a statute other than this
16 title which expressly provides for the liability of such an
17 association and the conduct is performed by an agent of the
18 association acting in behalf of the association within the
19 scope of his office or employment, except that if the law

1 defining the offense designates the agents for whose conduct
2 the association is accountable or the circumstances under
3 which it is accountable, such provisions shall apply; [or]

4 (2) the offense consists of an omission to discharge a
5 specific duty of affirmative performance imposed on
6 associations by law[.]; or

7 (3) the offense is a sexual offense against a child and
8 the association would be criminally liable under subsection
9 (a) if it were a corporation.

10 * * *

11 (f) Definitions.--As used in this section the following
12 words and phrases shall have the meanings given to them in this
13 subsection:

14 "Agent." Any director, officer, servant, employee or other
15 person authorized to act in behalf of the corporation or
16 association and, in the case of an unincorporated association, a
17 member of such association.

18 "Corporation." Does not include an entity organized as or by
19 a governmental agency for the execution of a governmental
20 program.

21 "High managerial agent." An officer of a corporation or an
22 unincorporated association, or, in the case of a partnership, a
23 partner, or any other agent of a corporation or association
24 having duties of such responsibility that his conduct may fairly
25 be assumed to represent the policy of the corporation or
26 association.

27 "Sexual offense against a child." Any offense set forth in
28 42 Pa.C.S. § 5551(6) (relating to no limitation applicable).

29 Section 2. Sections 5551 and 5552(c) of Title 42 are amended
30 to read:

1 § 5551. No limitation applicable.

2 A prosecution for the following offenses may be commenced at
3 any time:

4 (1) Murder.

5 (2) Voluntary manslaughter.

6 (3) Conspiracy to commit murder or solicitation to
7 commit murder if a murder results from the conspiracy or
8 solicitation.

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

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

18 (6) Any of those offenses set forth in 18 Pa.C.S.
19 (relating to crimes and offenses) which are against a victim
20 under 18 years of age by an offender four or more years older
21 than the victim, as follows:

22 Section 3121 (relating to rape).

23 Section 3122.1 (relating to statutory sexual
24 assault).

25 Section 3123 (relating to involuntary deviate sexual
26 intercourse).

27 Section 3124.1 (relating to sexual assault).

28 Section 3125 (relating to aggravated indecent
29 assault).

30 Section 3126 (relating to indecent assault) where

1 there has been a course of conduct of indecent assault by
2 the person.

3 Section 4304 (relating to endangering welfare of
4 children) where the offense constitutes sexual abuse or
5 exploitation as set forth in 23 Pa.C.S. § 6303 (relating
6 to definitions) and there has been a course of conduct of
7 endangering welfare of children by the person.

8 Section 6301 (relating to corruption of minors) where
9 the offense constitutes sexual abuse or exploitation as
10 set forth in 23 Pa.C.S. § 6303 and there has been a
11 course of conduct of corruption of minors by the person.

12 Section 6320 (relating to sexual exploitation of
13 children).

14 § 5552. Other offenses.

15 * * *

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

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

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

1 otherwise applicable by more than eight years.

2 (3) [Any] Except as provided in section 5551(6)
3 (relating to no limitation applicable), any sexual offense
4 committed against a minor who is less than 18 years of age
5 any time up to the period of limitation provided by law after
6 the minor has reached 18 years of age. As used in this
7 paragraph, the term "sexual offense" means a crime under the
8 following provisions of Title 18 (relating to crimes and
9 offenses):

10 [Section 3121 (relating to rape).

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

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

15 Section 3124.1 (relating to sexual assault).

16 Section 3125 (relating to aggravated indecent
17 assault).]

18 Section 3126 (relating to indecent assault).

19 Section 3127 (relating to indecent exposure).

20 Section 4302 (relating to incest).

21 Section 4304 (relating to endangering welfare of
22 children).

23 Section 6301 (relating to corruption of minors).

24 Section 6312(b) (relating to sexual abuse of
25 children).

26 * * *

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