

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 832 Session of 2011

INTRODUCED BY BISHOP, MCGEEHAN, PASHINSKI, K. BOYLE, BRIGGS, P. COSTA, DAVIS, DAVIDSON, HESS, JOSEPHS, M. K. KELLER, KORTZ, METCALFE, MURPHY, MURT, MYERS, M. O'BRIEN, READSHAW, SANTARSIERO, SCAVELLO, STABACK, STEVENSON, SWANGER, YOUNGBLOOD, K. SMITH, EVERETT, MIRABITO, GALLOWAY, DONATUCCI, HORNAMAN, FARRY, GERBER, GINGRICH AND MILNE, FEBRUARY 28, 2011

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 20, 2012

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in limitation of time,
3 further providing for unlimited time to bring civil actions,
4 for tolling limitations of civil actions, for unlimited time
5 to bring criminal actions and for limitation of serious
6 criminal actions.



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

9 Section 1. Section 5531 5551 of Title 42 of the Pennsylvania
10 Consolidated Statutes is amended by adding a paragraph to read:



11 ~~§ 5531. No limitation.~~



12 ~~The following actions and proceedings may be commenced at any~~
13 ~~time notwithstanding any other provision of this subchapter~~
14 ~~except section 5521 (relating to limitations on foreign claims):~~

15 \* \* \*

16 ~~(4) An action for childhood sexual abuse. As used in~~
17 ~~this paragraph, the following words and phrases shall have~~

1 ~~the following meanings:~~

2 ~~"Childhood sexual abuse." Includes the following:~~

3 ~~(i) Any of the following sexual activities between a~~  
4 ~~minor and an adult, if the individual bringing the civil~~  
5 ~~action engaged in the activity as a result of forcible~~  
6 ~~compulsion or by threat of forcible compulsion which~~  
7 ~~would prevent resistance by a person of reasonable~~  
8 ~~resolution:~~

9 ~~(A) Sexual intercourse, which includes~~  
10 ~~penetration, however slight, of any body part or~~  
11 ~~object into the sex organ of another.~~

12 ~~(B) Deviate sexual intercourse, which includes~~  
13 ~~sexual intercourse per os or per anus.~~

14 ~~(C) Indecent contact, which includes any~~  
15 ~~touching of the sexual or other intimate parts of the~~  
16 ~~person for the purpose of arousing or gratifying~~  
17 ~~sexual desire in either person.~~

18 ~~(D) An action which constitutes an offense under~~  
19 ~~any of the following provisions of Title 18 (relating~~  
20 ~~to crimes and offenses):~~

21 ~~Section 3121 (relating to rape).~~

22 ~~Section 3122.1 (relating to statutory sexual~~  
23 ~~assault).~~

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

26 ~~Section 3124.1 (relating to sexual assault).~~

27 ~~Section 3124.2 (relating to institutional~~  
28 ~~sexual assault).~~

29 ~~Section 3125 (relating to aggravated indecent~~  
30 ~~assault).~~

1 ~~Section 3126 (relating to indecent assault).~~

2 ~~Section 3127 (relating to indecent exposure).~~

3 ~~Section 4302 (relating to incest).~~

4 ~~Section 4304 (relating to endangering welfare~~  
5 ~~of children).~~

6 ~~Section 6301 (relating to corruption of~~  
7 ~~minors).~~

8 ~~Section 6312 (relating to sexual abuse of~~  
9 ~~children).~~

10 ~~"Foreible compulsion." As defined in 18 Pa.C.S. § 3101~~  
11 ~~(relating to definitions).~~

12 Section 2. ~~Section 5533(b)(2) of Title 42 is amended to~~  
13 ~~read:~~

14 ~~§ 5533. Infancy, insanity or imprisonment.~~

15 ~~\* \* \*~~

16 ~~(b) Infancy.—~~

17 ~~\* \* \*~~

18 ~~[(2) (i) If an individual entitled to bring a civil~~  
19 ~~action arising from childhood sexual abuse is under 18-~~  
20 ~~years of age at the time the cause of action accrues, the~~  
21 ~~individual shall have a period of 12 years after~~  
22 ~~attaining 18 years of age in which to commence an action~~  
23 ~~for damages regardless of whether the individual files a~~  
24 ~~criminal complaint regarding the childhood sexual abuse.~~

25 ~~(ii) For the purposes of this paragraph, the term~~  
26 ~~"childhood sexual abuse" shall include, but not be~~  
27 ~~limited to, the following sexual activities between a~~  
28 ~~minor and an adult, provided that the individual bringing~~  
29 ~~the civil action engaged in such activities as a result~~  
30 ~~of forcible compulsion or by threat of forcible~~

1 ~~compulsion which would prevent resistance by a person of~~  
2 ~~reasonable resolution:~~

3 ~~(A) sexual intercourse, which includes~~  
4 ~~penetration, however slight, of any body part or~~  
5 ~~object into the sex organ of another;~~

6 ~~(B) deviate sexual intercourse, which includes~~  
7 ~~sexual intercourse per os or per anus; and~~

8 ~~(C) indecent contact, which includes any~~  
9 ~~touching of the sexual or other intimate parts of the~~  
10 ~~person for the purpose of arousing or gratifying~~  
11 ~~sexual desire in either person.~~

12 ~~(iii) For purposes of this paragraph, "forcible~~  
13 ~~compulsion" shall have the meaning given to it in 18~~  
14 ~~Pa.C.S. § 3101 (relating to definitions).]~~

15 ~~Section 3. Section 5551 of Title 42 is amended by adding a~~  
16 ~~paragraph to read:~~

17 § 5551. No limitation applicable.

18 A prosecution for the following offenses may be commenced at  
19 any time:

20 \* \* \*

21 (7) An offense under any of the following provisions of  
22 Title 18 (relating to crimes and offenses) if the victim is  
23 under 18 years of age:

24 Section 3121 (relating to rape).

25 Section 3122.1 (relating to statutory sexual  
26 assault).

27 Section 3123 (relating to involuntary deviate sexual  
28 intercourse).

29 Section 3124.1 (relating to sexual assault).

30 Section 3124.2 (relating to institutional sexual



1 commenced for:

2 \* \* \*

3 [(3) Any sexual offense committed against a minor who is  
4 less than 18 years of age any time up to the later of the  
5 period of limitation provided by law after the minor has  
6 reached 18 years of age or the date the minor reaches 50  
7 years of age. As used in this paragraph, the term "sexual  
8 offense" means a crime under the following provisions of  
9 Title 18 (relating to crimes and 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 Section 6320 (relating to sexual exploitation of  
27 children).]

28 \* \* \*

29 (c.1) Genetic identification evidence.--Notwithstanding any  
30 provision of law to the contrary, if evidence of [a misdemeanor

1 sexual] an offense [set forth in subsection (c) (3)] under 18  
2 Pa.C.S. § 3126 (relating to indecent assault) or 3127 (relating  
3 to indecent exposure) or a felony offense is obtained containing  
4 human deoxyribonucleic acid (DNA) which is subsequently used to  
5 identify an otherwise unidentified individual as the perpetrator  
6 of the offense, the prosecution of the offense may be commenced  
7 within the period of limitations provided for the offense or one  
8 year after the identity of the individual is determined,  
9 whichever is later.

10 \* \* \*

11 Section 5 3. This act shall take effect in 60 days.

