
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 612 Session of
2017

INTRODUCED BY ROZZI, BURNS, CALTAGIRONE, FRANKEL, SIMS, DEAN,
HARKINS, McCLINTON, O'BRIEN, MURT, FREEMAN, KINSEY,
J. HARRIS, MILLARD, GILLESPIE, V. BROWN, DAVIS, McNEILL,
KAUFER, STURLA, ROEBUCK, DeLISSIO, WATSON, DeLUCA, SOLOMON,
BRIGGS, WARREN AND TOOIL, FEBRUARY 21, 2017

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 21, 2017

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in limitation of time,
3 further providing for infancy, insanity or imprisonment, for
4 no limitation applicable and for other offenses; and, in
5 matters affecting government units, further providing for
6 exceptions to sovereign immunity and for exceptions to
7 governmental immunity.

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

10 Section 1. Section 5533(b)(2)(i) of Title 42 of the
11 Pennsylvania Consolidated Statutes is amended to read:

12 § 5533. Infancy, insanity or imprisonment.

13 * * *

14 (b) Infancy.--

15 * * *

16 (2) (i) If an individual entitled to bring a civil
17 action arising from childhood sexual abuse is under 18
18 years of age at the time the cause of action accrues, the
19 individual shall have [a period of 12 years after

1 attaining 18 years of age]:

2 (A) No period of limitation in which to commence
3 an action for damages regardless of whether the
4 individual files a criminal complaint regarding the
5 childhood sexual abuse.

6 (B) Notwithstanding the provisions of clause (A)
7 or any other provision of law to the contrary, in the
8 case of an individual entitled to bring a civil
9 action arising from childhood sexual abuse where the
10 limitation period in clause (A) has expired, the
11 individual shall have an additional period of two
12 years from the effective date of this clause to
13 commence an action.

14 * * *

15 Section 2. 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 18 Pa.C.S. (relating to crimes and offenses), or a conspiracy
23 or solicitation to commit an offense under any of the
24 following provisions of 18 Pa.C.S. if the offense is
25 facilitated by the conspiracy or solicitation, if the victim
26 was under 18 years of age at the time of the offense:

27 Section 3011(b) (relating to trafficking in individuals).

28 Section 3012 (relating to involuntary servitude) as it
29 relates to sexual servitude.

30 Section 3121 (relating to rape).

1 Section 3122.1 (relating to statutory sexual assault).

2 Section 3123 (relating to involuntary deviate sexual
3 intercourse).

4 Section 3124.1 (relating to sexual assault).

5 Section 3124.2 (relating to institutional sexual
6 assault).

7 Section 3125 (relating to aggravated indecent assault).

8 Section 4302 (relating to incest).

9 Section 3. Section 5552(b.1) and (c) (3) of Title 42 are
10 amended to read:

11 § 5552. Other offenses.

12 * * *

13 (b.1) Major sexual offenses.--[A] Except as provided in
14 section 5551(7) (relating to no limitation applicable), a
15 prosecution for any of the following offenses under Title 18
16 must be commenced within 12 years after it is committed:

17 Section 3121 (relating to rape).

18 Section 3122.1 (relating to statutory sexual assault).

19 Section 3123 (relating to involuntary deviate sexual
20 intercourse).

21 Section 3124.1 (relating to sexual assault).

22 Section 3124.2(a) and (a.2) (relating to institutional
23 sexual assault).

24 Section 3125 (relating to aggravated indecent assault).

25 Section 4302 (relating to incest).

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

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

30 * * *

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

8 [Section 3011(b) (relating to trafficking in
9 individuals).

10 Section 3012 (relating to involuntary servitude) as
11 it relates to sexual servitude.

12 Section 3121 (relating to rape).

13 Section 3122.1 (relating to statutory sexual
14 assault).

15 Section 3123 (relating to involuntary deviate sexual
16 intercourse).

17 Section 3124.1 (relating to sexual assault).

18 Section 3125 (relating to aggravated indecent
19 assault).]

20 Section 3126 (relating to indecent assault).

21 Section 3127 (relating to indecent exposure).

22 [Section 4302 (relating to incest).]

23 Section 4304 (relating to endangering welfare of
24 children).

25 Section 6301 (relating to corruption of minors).

26 Section 6312(b) (relating to sexual abuse of
27 children).

28 Section 6320 (relating to sexual exploitation of
29 children).

30 * * *

1 Section 4. Sections 8522(b) and 8542(b) of Title 42 are
2 amended by adding paragraphs to read:

3 § 8522. Exceptions to sovereign immunity.

4 * * *

5 (b) Acts which may impose liability.--The following acts by
6 a Commonwealth party may result in the imposition of liability
7 on the Commonwealth and the defense of sovereign immunity shall
8 not be raised to claims for damages caused by:

9 * * *

10 (10) Sexual abuse.--Conduct which constitutes an offense
11 enumerated under section 5551(7) (relating to no limitation
12 applicable) if the injuries to the plaintiff were caused by
13 actions or omissions of the Commonwealth which constitute
14 negligence.

15 § 8542. Exceptions to governmental immunity.

16 * * *

17 (b) Acts which may impose liability.--The following acts by
18 a local agency or any of its employees may result in the
19 imposition of liability on a local agency:

20 * * *

21 (9) Sexual abuse.--Conduct which is proscribed by the
22 provisions of 18 Pa.C.S. (relating to crimes and offenses)
23 enumerated in section 5551(7) (relating to no limitation
24 applicable) if the claimant establishes that:

25 (i) the local agency acted in a negligent manner;

26 and

27 (ii) the action under subparagraph (i) caused injury
28 to the claimant.

29 * * *

30 Section 5. This act shall apply as follows:

1 (1) The addition of 42 Pa.C.S. § 8542(b)(9) shall apply
2 to causes of action which arise on or after the effective
3 date of this paragraph.

4 (2) The amendment or addition of 42 Pa.C.S. §§ 5551(7)
5 and 5552(b.1) and (c)(3) shall not be applied to revive an
6 action which has been barred by an existing statute of
7 limitations on the effective date of this section.

8 (3) The addition of 42 Pa.C.S. § 5533(b)(2)(i)(B) shall
9 be applied retroactively, including to revive an action which
10 was barred by a statute of limitations prior to the effective
11 date of this section.

12 Section 6. The provisions of this act are severable. If any
13 provision of this act or its application to any person or
14 circumstance is held invalid, the invalidity shall not affect
15 other provisions or applications of this act which can be given
16 effect without the invalid provision or application.

17 Section 7. This act shall take effect immediately.