

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 962 Session of 2019

INTRODUCED BY ROZZI AND GREGORY, MARCH 27, 2019

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 27, 2019

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
 2 Pennsylvania Consolidated Statutes, in limitation of time,
 3 further providing for six months limitation, for infancy,
 4 insanity or imprisonment, for no limitation applicable and
 5 for other offenses; and, in matters affecting government
 6 units, further providing for exceptions to sovereign
 7 immunity, for limitations on damages in actions against
 8 Commonwealth parties, for exceptions to governmental immunity
 9 and for limitations on damages in actions against local
 10 parties.

11 The General Assembly of the Commonwealth of Pennsylvania
 12 hereby enacts as follows:

13 Section 1. Section 5522 of Title 42 of the Pennsylvania
 14 Consolidated Statutes is amended by adding a subsection to read:
 15 § 5522. Six months limitation.

16 * * *

17 (c) Exception.--This section shall not apply to any civil
 18 action or proceeding brought under section 8522(b)(10) (relating
 19 to exceptions to sovereign immunity) or 8542(b)(9) (relating to
 20 exceptions to governmental immunity).

21 Section 2. Section 5533(b)(2)(i) of Title 42 is amended to
 22 read:

1 § 5533. Infancy, insanity or imprisonment.

2 * * *

3 (b) Infancy.--

4 * * *

5 (2) (i) If an individual entitled to bring a civil
6 action arising from childhood sexual abuse is under 18
7 years of age at the time the cause of action accrues, the
8 individual shall have a period of [12] 37 years after
9 attaining 18 years of age in which to commence an action
10 for damages regardless of whether the individual files a
11 criminal complaint regarding the childhood sexual abuse.

12 * * *

13 Section 3. Section 5551 of Title 42 is amended by adding a
14 paragraph to read:

15 § 5551. No limitation applicable.

16 A prosecution for the following offenses may be commenced at
17 any time:

18 * * *

19 (7) An offense under any of the following provisions of
20 18 Pa.C.S. (relating to crimes and offenses), or a conspiracy
21 or solicitation to commit an offense under any of the
22 following provisions of 18 Pa.C.S. if the offense results
23 from the conspiracy or solicitation, if the victim was under
24 18 years of age at the time of the offense:

25 Section 3011(b) (relating to trafficking in
26 individuals).

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

29 Section 3121 (relating to rape).

30 Section 3122.1 (relating to statutory sexual

1 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
8 assault).

9 Section 4302 (relating to incest).

10 Section 4. Section 5552(b.1) and (c) (3) of Title 42 are
11 amended to read:

12 § 5552. Other offenses.

13 * * *

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

18 Section 3121 (relating to rape).

19 Section 3122.1 (relating to statutory sexual assault).

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

22 Section 3124.1 (relating to sexual assault).

23 Section 3124.2 (relating to institutional sexual
24 assault).

25 Section 3125 (relating to aggravated indecent assault).

26 Section 4302 (relating to incest).

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

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

1 * * *

2 (3) Any sexual offense committed against a minor who is
3 less than 18 years of age any time up to the later of the
4 period of limitation provided by law after the minor has
5 reached 18 years of age or the date the minor reaches [50] 55
6 years of age. As used in this paragraph, the term "sexual
7 offense" means a crime under the following provisions of
8 Title 18 [(relating to crimes and offenses):

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

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

13 Section 3121 (relating to rape).

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

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

18 Section 3124.1 (relating to sexual assault).

19 Section 3125 (relating to aggravated indecent
20 assault).] or a conspiracy or solicitation to commit an

21 offense under any of the following provisions of Title 18

22 if the offense results from the conspiracy or

23 solicitation:

24 Section 3126 (relating to indecent assault).

25 Section 3127 (relating to indecent exposure).

26 [Section 4302 (relating to incest).]

27 Section 4304 (relating to endangering welfare of
28 children).

29 Section 6301 (relating to corruption of minors).

30 Section 6312(b) (relating to sexual abuse of

1 children).

2 Section 6320 (relating to sexual exploitation of
3 children).

4 * * *

5 Section 5. Section 8522(b) of Title 42 is amended by adding
6 a paragraph to read:

7 § 8522. Exceptions to sovereign immunity.

8 * * *

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

13 * * *

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

19 Section 6. Section 8528(c) (5) of Title 42 is amended and the
20 section is amended by adding a subsection to read:

21 § 8528. Limitations on damages.

22 * * *

23 (c) Types of damages recoverable.--Damages shall be
24 recoverable only for:

25 * * *

26 (5) Property losses, except that property losses shall
27 not be recoverable in claims brought pursuant to section
28 8522(b) (5) (relating to [potholes and other dangerous
29 conditions] exceptions to sovereign immunity).

30 (d) Exclusions.--This section shall not apply to damages

1 awarded under section 8522(b)(10).

2 Section 7. Section 8542(b) of Title 42 is amended by adding
3 a paragraph to read:

4 § 8542. Exceptions to governmental immunity.

5 * * *

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

9 * * *

10 (9) 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 local agency which constitute
14 negligence.

15 * * *

16 Section 8. Section 8553 of Title 42 is amended by adding a
17 subsection to read:

18 § 8553. Limitations on damages.

19 * * *

20 (e) Exclusions.--This section shall not apply to damages
21 awarded under section 8542(b)(9) (relating to exceptions to
22 governmental immunity).

23 Section 9. The provisions of this act are severable. If any
24 provision of this act is held invalid, the invalidity shall not
25 affect other provisions or applications of this act which can be
26 given effect without the invalid provision or application.

27 Section 10. This act shall apply as follows:

28 (1) The amendment or addition of 42 Pa.C.S. §§ 5533(b)

29 (2) (i), 5551(7) and 5552(b.1) and (c)(3) shall not be applied
30 to revive an action which has been barred by an existing

1 statute of limitations on the effective date of this section.

2 (2) The amendment of 42 Pa.C.S. § 5533(b)(2)(i) shall
3 apply retroactively to civil actions where the limitations
4 period has not expired prior to the effective date of this
5 section.

6 (3) The amendment or addition of the following
7 provisions shall apply retroactively, including to civil
8 actions where the limitation period has not expired prior to
9 the effective date of this section:

- 10 (i) 42 Pa.C.S. § 5522(c).
- 11 (ii) 42 Pa.C.S. § 8522(b)(10).
- 12 (iii) 42 Pa.C.S. § 8528(d).
- 13 (iv) 42 Pa.C.S. § 8542(b)(9).
- 14 (v) 42 Pa.C.S. § 8553(e).

15 Section 11. This act shall take effect in 60 days.