

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 962 Session of 2019

INTRODUCED BY ROZZI, GREGORY AND BRIGGS, MARCH 27, 2019

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, APRIL 9, 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

1 read:

2 § 5533. Infancy, insanity or imprisonment.

3 * * *

4 (b) Infancy.--

5 * * *

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

13 * * *

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

16 § 5551. No limitation applicable.

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

19 * * *

20 (7) An offense under any of the following provisions of
21 18 Pa.C.S. (relating to crimes and offenses), or a conspiracy
22 or solicitation to commit an offense under any of the
23 following provisions of 18 Pa.C.S. if the offense results
24 from the conspiracy or solicitation, if the victim was under
25 18 years of age at the time of the offense:

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

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

30 Section 3121 (relating to rape).

1 Section 3122.1 (relating to statutory sexual
2 assault).

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

5 Section 3124.1 (relating to sexual assault).

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

8 Section 3125 (relating to aggravated indecent
9 assault).

10 Section 4302 (relating to incest).

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

13 § 5552. Other offenses.

14 * * *

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

19 Section 3121 (relating to rape).

20 Section 3122.1 (relating to statutory sexual assault).

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

23 Section 3124.1 (relating to sexual assault).

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

26 Section 3125 (relating to aggravated indecent assault).

27 Section 4302 (relating to incest).

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

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

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] 55
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 3011(b) (relating to trafficking in
11 individuals).

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

14 Section 3121 (relating to rape).

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

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

19 Section 3124.1 (relating to sexual assault).

20 Section 3125 (relating to aggravated indecent
21 assault).] or a conspiracy or solicitation to commit an
22 offense under any of the following provisions of Title 18
23 if the offense results from the conspiracy or
24 solicitation:

25 Section 3126 (relating to indecent assault).

26 Section 3127 (relating to indecent exposure).

27 [Section 4302 (relating to incest).]

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

30 Section 6301 (relating to corruption of minors).

1 Section 6312(b) (relating to sexual abuse of
2 children).

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

5 * * *

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

8 § 8522. Exceptions to sovereign immunity.

9 * * *

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

14 * * *

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

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

22 § 8528. Limitations on damages.

23 * * *

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

26 * * *

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

1 (d) Exclusions.--This section shall not apply to damages
2 awarded under section 8522(b)(10).

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

5 § 8542. Exceptions to governmental immunity.

6 * * *

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

10 * * *

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

16 * * *

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

19 § 8553. Limitations on damages.

20 * * *

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

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

28 Section 10. This act shall apply as follows:

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

30 (2) (i), 5551(7) and 5552(b.1) and (c)(3) shall not be applied

1 to revive an action which has been barred by an existing
2 statute of limitations on the effective date of this section.

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

7 (3) The amendment or addition of the following
8 provisions shall apply retroactively, including to civil
9 actions where the limitation period has expired prior to the
10 effective date of this section:

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

16 Section 11. This act shall take effect ~~in 60 days.~~ AS <--

17 FOLLOWS:

- 18 (1) THIS SECTION SHALL TAKE EFFECT IMMEDIATELY.
- 19 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT UPON THE
20 FIRST PASSAGE OF HOUSE BILL NO. 963, PRINTER'S NO. 1130
21 (2019), BY BOTH CHAMBERS OF THE GENERAL ASSEMBLY.