AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in matters affecting
3 government unites, further providing for exceptions to
4 sovereign immunity and for exceptions to governmental
5 immunity; and making a repeal.

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

8 Section 1. Sections 8522(b)(10) and 8542(b)(9) of Title 42
9 of the Pennsylvania Consolidated Statutes, added November 26,
10 2019 (P.L.641, No.87), are amended to read:

11 § 8522. Exceptions to sovereign immunity.
12  * * *
13 (b) Acts which may impose liability.--The following acts by
14 a Commonwealth party may result in the imposition of liability
15 on the Commonwealth and the defense of sovereign immunity shall
16 not be raised to claims for damages caused by:
17  * * *
18 (10) Sexual abuse.--The following shall apply:
19 (i) Conduct which constitutes an offense enumerated
20 under section 5551(7) (relating to no limitation
applicable) if the injuries to the plaintiff were caused by actions or omissions of the Commonwealth party which constitute negligence.

(ii) This paragraph shall apply retroactively to a cause of action that arose prior to the effective date of this subparagraph.

§ 8542. Exceptions to governmental immunity.

* * *

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

* * *

(9) Sexual abuse.--The following shall apply:

(i) Conduct which constitutes an offense enumerated under section 5551(7) (relating to no limitation applicable) if the injuries to the plaintiff were caused by actions or omissions of the local agency which constitute negligence.

(ii) This paragraph shall apply retroactively to a cause of action that arose prior to the effective date of this subparagraph.

* * *

Section 2. Repeals are as follows:

(1) The General Assembly declares that the repeal under paragraph (2) is necessary to effectuate the amendment of 42 Pa.C.S. §§ 8522(b)(10) and 8542(b)(9).

(2) Section 10(3)(ii) of the act of November 26, 2019 (P.L.641, No.87), is repealed insofar as the section applies to 42 Pa.C.S. §§ 8522(b)(10) and 8542(b)(9).

Section 3. This act shall take effect immediately.

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