
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1205 Session of
2021

INTRODUCED BY YOUNG, CIRESI, WEBSTER, HANBIDGE, MADDEN,
SCHLOSSBERG, SANCHEZ, McNEILL, HILL-EVANS, KRAJEWSKI,
KINKEAD, PARKER, SHUSTERMAN, GUENST AND D. WILLIAMS,
APRIL 16, 2021

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 16, 2021

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in matters affecting
3 government units, further providing for exceptions to
4 sovereign immunity and for limitations on damages.

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

7 Section 1. Section 8522(b) of Title 42 of the Pennsylvania
8 Consolidated Statutes is amended by adding a paragraph to read:
9 § 8522. Exceptions to sovereign immunity.

10 * * *

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

15 * * *

16 (11) Wrongful imprisonment.--Damages under this
17 paragraph shall not exceed the following:

18 (i) a sum equal to twice the amount of the gross

1 wages of the plaintiff earned in the year prior to the
2 plaintiff's arrest or \$25,000, whichever is greater, for
3 each year of wrongful imprisonment;

4 (ii) reasonable attorney fees and court costs
5 incurred by the plaintiff as a result of the wrongful
6 conviction; and

7 (iii) restitution of all fines, surcharges and
8 penalties incurred by the plaintiff as a result of the
9 wrongful conviction.

10 Section 2. Section 8528(d) of Title 42 is amended to read:

11 § 8528. Limitations on damages.

12 * * *

13 (d) Exclusions.--This section shall not apply to damages
14 awarded under section 8522(b)(10) or (11).

15 Section 3. The amendment or addition of 42 Pa.C.S. §§
16 8522(b)(11) and 8528(d) shall apply to any person found to have
17 been wrongfully imprisoned under 42 Pa.C.S. Ch. 95 Subch. B.

18 Section 4. This act shall take effect in 60 days.