



# HOUSE COMMITTEE ON APPROPRIATIONS

## FISCAL NOTE

SENATE BILL NO. 261

PRINTERS NO. 2003

PRIME SPONSOR: Scarnati

### COST / (SAVINGS)

FUND	FY 2018/19	FY 2019/20
General Fund	See Fiscal Impact	See Fiscal Impact

### SUMMARY:

Senate Bill 261, Printer's Number 2003 amends Title 42 (Judiciary and Judicial Procedures) by amending Chapter 55 (Limitation of time), Sections 5522 (Six months limitation), 5533 (Infancy, insanity or imprisonment), 5551 (No limitation applicable), 5552 (Other offenses) and Chapter 85 (Matters affecting government units), Sections 8522 (Exceptions to sovereign immunity) and 8542 (Exceptions to governmental immunity) concerning the statute of limitations for childhood sexual abuse.

### ANALYSIS:

SB 261 amends the Judicial Code as it relates to civil proceedings providing that an individual under the age of 18 is entitled to commence civil action arising from childhood sexual abuse for a period of 32 years after reaching 18 years old. In addition, the legislation adds a new Section 5533 (c) (Revival of claims) providing that an individual entitled to bring civil action arising from childhood sexual abuse, where the statute of limitations has expired, shall have an additional two-year period from the effective date of Section 5533(c) to commence an action.

The legislation amends the Judicial Code by eliminating the statute of limitations for criminal proceedings by adding the following Title 18 (Crimes and Offenses) offenses, if the victim was under 18 years of age at the time of the offense, as follows:

- Section 3011 (b) (relating to trafficking in individuals),
- Section 3012 (relating to involuntary servitude) as it relates to sexual servitude,
- Section 3121 (relating to rape),
- Section 3122.1 (Relating to statutory sexual assault),
- Section 3123 (relating to involuntary deviate sexual intercourse),
- Section 3124.1 (Relating to sexual assault),
- Section 3124.2 (relating to institutional sexual assault),
- Section 3125 (relating to aggravated indecent assault), or
- Section 4302 (Relating to incest).

Chapter 85 (Matters affecting government units) is amended to provide that sovereign and governmental immunity shall not apply with respect to offenses committed under the new Section 5551 (7), if the conduct of the entity that caused injury to the plaintiff constitutes gross negligence.

This legislation would take effect in 60 days.

**FISCAL IMPACT:**

Removal of the statute of limitations for criminal offenses for certain childhood sexual abuse offenses may result in an impact to Commonwealth funds. However, any potential impact would be contingent on the successful prosecution, conviction and sentencing of the offenses to state correctional facilities. Therefore, any estimate of fiscal impact is indeterminable.

In addition, enactment of this legislation could have a fiscal impact on Commonwealth and local governments by exposing them to civil lawsuits concerning childhood sexual abuse that are currently barred based on sovereign immunity. However, this would depend on the number of suits that result in damages and the size of any damage awards, which are impossible to estimate at this time.

**PREPARED BY:** Jenny P. Stratton  
House Appropriations Committee (R)

**DATE:** September 24, 2018

*Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*