

AMENDMENTS TO HOUSE BILL NO. 962

Sponsor: SENATOR BAKER

Printer's No. 1352

1 Amend Bill, page 1, line 2, by striking out all of said line
2 and inserting

3 Pennsylvania Consolidated Statutes, reforming remedies for
4 victims of sexual abuse:
5 in limitation of time,

6 Amend Bill, page 1, line 5, by striking out all of said line
7 and inserting

8 for other offenses;
9 in matters affecting government

10 Amend Bill, page 1, line 10, by striking out the period after
11 "parties" and inserting

12 ; and
13 in sentencing alternatives, providing for counseling services
14 for victims of sexual abuse.

15 Amend Bill, page 6, by inserting between lines 23 and 24

16 Section 8.1. Title 42 is amended by adding a section to
17 read:

18 § 9730.3. Counseling services for victims of sexual abuse.

19 (a) Eligibility.--

20 (1) Subject to subsection (b), the office shall provide,
21 for an individual who is a direct victim of sexual abuse,
22 counseling services related to the sexual abuse. Payment
23 shall be made to the health care provider that provides the
24 services from the Crime Victim's Compensation Fund.

25 (2) Eligibility under paragraph (1) is not affected by
26 an adverse determination under sections 704(c) or 707(a) of
27 the act of November 24, 1998 (P.L.882, No.111), known as the
28 Crime Victims Act.

29 (b) Value of services.--

30 (1) The total value of services under subsection (a)(1)
31 shall not exceed:

32 (i) \$5,000 if the individual was, at the time of the
33 sexual abuse, 18 years of age or older; and

1 (ii) \$10,000 if the individual was, at the time of
2 the sexual abuse, under 18 years of age.

3 (2) The value of services under subsection (a)(1) shall
4 be reduced by the amount of any of the following payments
5 received or to be received by the individual for counseling
6 subject to subsection (a) as a result of the sexual abuse:

7 (i) Payment by the individual who committed the
8 sexual abuse.

9 (ii) Payment under an insurance program or a health
10 and welfare program. This subparagraph includes a program
11 mandated by law.

12 (iii) Payment under a contract of insurance in which
13 the individual is the beneficiary.

14 (iv) Payment from public funds.

15 (v) Payment under a pension program. This
16 subparagraph includes a program providing for disability
17 or survivor's benefits.

18 (vi) Payment by a party alleged to be responsible in
19 whole or in part for the sexual abuse, without regard to
20 the party's criminal culpability.

21 (vii) Payment made under the Crime Victims Act.

22 (c) Cooperation.--

23 (1) Health care providers and insurers shall respond in
24 writing to a request by the office for information related to
25 this section within 30 days of receipt of the request.

26 (2) Commonwealth agencies shall cooperate with the
27 office for information related to this section.

28 (3) A person that fails to respond to a request under
29 paragraph (1) shall be subject to a penalty of not more than
30 \$50 per day, up to and including the date of compliance. The
31 office shall enforce this paragraph. The office may utilize
32 revenue under this paragraph to implement this section or to
33 assist local victim service agencies.

34 (d) Definitions.--As used in this section, the following
35 words and phrases shall have the meanings given to them in this
36 subsection unless the context clearly indicates otherwise:

37 "Direct victim." An individual against whom a crime has
38 been committed or attempted and who as a direct result of the
39 criminal act or attempt suffers physical or mental injury.

40 "Health care provider." A person licensed, certified or
41 approved by the Commonwealth to provide health care or
42 professional medical services.

43 "Office." The Office of Victims' Services.

44 "Sexual abuse." Conduct which would constitute an offense
45 under any of the following provisions of 18 Pa.C.S. (relating to
46 crimes and offenses):

47 Section 3011(b) (relating to trafficking in individuals).

48 Section 3012 (relating to involuntary servitude) as it
49 relates to sexual servitude.

50 Section 3121 (relating to rape).

51 Section 3122.1 (relating to statutory sexual assault).

1 Section 3123 (relating to involuntary deviate sexual
2 intercourse).
3 Section 3124.1 (relating to sexual assault).
4 Section 3124.2 (relating to institutional sexual
5 assault).
6 Section 3125 (relating to aggravated indecent assault).
7 Section 3126 (relating to indecent assault).
8 Section 3127 (relating to indecent exposure).
9 Section 4302 (relating to incest).
10 Section 6312 (relating to sexual abuse of children).

11 Amend Bill, page 7, lines 7 through 21, by striking out all
12 of said lines and inserting

13 (3) The addition of 42 Pa.C.S. §§ 5522(c), 8522(b)(10),
14 8528(d), 8542(b)(9) and 8553(e) shall apply as follows:

15 (i) Prospectively, to a cause of action which arises
16 on or after the effective date of this section.

17 (ii) Retroactively, to a cause of action if the
18 cause of action arose before the effective date of this
19 section. Nothing in this subparagraph shall do any of the
20 following:

21 (A) Revive a cause of action as to which the
22 limitation period has expired prior to the effective
23 date of this section.

24 (B) Permit the application of the addition of 42
25 Pa.C.S. §§ 5522(c), 8522(b)(10), 8528(d), 8542(b)(9)
26 and 8553(e) to a claim:

27 (I) that is subject to a final judgment
28 which, on the effective date of this section, is
29 not subject to appeal; or

30 (II) that, on the effective date of this
31 section, has been nonjudicially resolved in its
32 entirety by the parties, in a form which is
33 enforceable.

34 Section 11. This act shall take effect as follows:

35 (1) The following provisions shall take effect
36 immediately:

37 (i) Section 10 of this act.

38 (ii) This section.

39 (2) The remainder of this act shall take effect upon
40 first passage of House Bill No. 963, Printer's No. 1130
41 (2019), by both chambers of the General Assembly or
42 immediately, whichever is later.