

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 964 Session of
1995

INTRODUCED BY BAKER, MUNDY, MELIO, GRUPPO, JAROLIN, BARD, RUDY,
GORDNER, STEELMAN, PITTS, BROWNE, E. Z. TAYLOR, STEIL,
CIVERA, MICHLOVIC, BOSCOLA, CORNELL, PISTELLA, CURRY, LUCYK
AND RAMOS, MARCH 6, 1995

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 6, 1995

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, further providing for
3 tolling the statute of limitations in childhood sexual abuse
4 cases.

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

7 Section 1. Section 5533(b) of Title 42 of the Pennsylvania
8 Consolidated Statutes is amended to read:

9 § 5533. Infancy, insanity or imprisonment.

10 * * *

11 (b) Infancy.--

12 (1) If an individual entitled to bring a civil action is
13 an unemancipated minor at the time the cause of action
14 accrues, the period of minority shall not be deemed a portion
15 of the time period within which the action must be commenced.
16 Such person shall have the same time for commencing an action
17 after attaining majority as is allowed to others by the
18 provisions of this subchapter. As used in this subsection,

1 the term "minor" shall mean any individual who has not yet
2 attained [the age of 18.] 18 years of age.

3 (2) (i) If an individual entitled to bring a civil
4 action arising from childhood sexual abuse is under 18
5 years of age at the time the cause of action accrues, the
6 individual shall have a period of 12 years after
7 attaining 18 years of age or the individual shall have a
8 period of three years after the date the individual
9 discovered or reasonably should have discovered that the
10 childhood sexual abuse occurred and caused him injury,
11 whichever is later, in which to commence an action for
12 damages.

13 (ii) If the injury is caused by two or more acts of
14 childhood sexual abuse that are part of a continuing
15 series of acts of childhood sexual abuse committed by the
16 same person, then the three-year discovery period under
17 subparagraph (i) shall be computed from the date the
18 abused individual discovers or reasonably should have
19 discovered that the last act of childhood sexual abuse in
20 the continuing series occurred and that the injury was
21 caused by an act of childhood sexual abuse in the
22 continuing series.

23 (iii) The filing of a criminal complaint shall not
24 be a prerequisite to the commencement of a civil action
25 under this paragraph.

26 (iv) For the purposes of this paragraph, the term
27 "childhood sexual abuse" shall include, but not be
28 limited to, the following sexual activities between a
29 minor and an adult, provided that the individual bringing
30 the civil action had engaged in such activities as a

1 result of physical or psychological force or the threat
2 of physical or psychological force:

3 (A) sexual intercourse, which includes
4 penetration, however slight, of any body part or
5 object into the sex organ of another;

6 (B) deviate sexual intercourse, which includes
7 sexual intercourse per os or per anus; and

8 (C) indecent contact, which includes any
9 touching of the sexual or other intimate parts of the
10 person for the purpose of arousing or gratifying
11 sexual desire in either person.

12 Section 2. The amendment of 42 Pa.C.S. § 5533(b) shall not
13 be applied to revive an action which has been barred by an
14 existing statute of limitations on the effective date of this
15 act.

16 Section 3. This act shall take effect in 60 days.