

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 212 Session of 2001

INTRODUCED BY GREENLEAF, COSTA, GERLACH, SCHWARTZ, HOLL, TOMLINSON, KITCHEN AND ORIE, JANUARY 31, 2001

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 11, 2002

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, further providing for
3 SEAL AND FOR tolling the statute of limitations in childhood <—
4 sexual abuse cases AND IN OTHER OFFENSES. <—

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 SECTION 1. SECTIONS 1512 AND 5533(B) OF TITLE 42 OF THE <—
10 PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO READ:

11 § 1512. SEAL.

12 EACH MAGISTERIAL DISTRICT SHALL HAVE A SEAL, WHICH SHALL BE
13 IN THE CUSTODY OF THE DISTRICT JUSTICE ELECTED OR APPOINTED FOR
14 SUCH DISTRICT. THE OFFICIAL ACTS OF THE DISTRICT JUSTICE SHALL
15 BE AUTHENTICATED THEREWITH. THERE SHALL BE ENGRAVED ON THE SEAL
16 SUCH INSCRIPTION AS MAY BE SPECIFIED BY GENERAL RULE. A
17 FACSIMILE OR PREPRINTED SEAL MAY BE USED FOR ALL PURPOSES IN

1 LIEU OF THE ORIGINAL SEAL.

2 § 5533. Infancy, insanity or imprisonment.

3 * * *

4 (b) Infancy.--

5 ~~(1) If an individual entitled to bring a civil action is~~ <—
6 ~~an unemancipated minor at the time the cause of action~~

7 (1) (I) IF AN INDIVIDUAL ENTITLED TO BRING A CIVIL <—
8 ACTION IS AN UNEMANCIPATED MINOR AT THE TIME THE CAUSE OF
9 ACTION accrues, the period of minority shall not be
10 deemed a portion of the time period within which the
11 action must be commenced. Such person shall have the same
12 time for commencing an action after attaining majority as
13 is allowed to others by the provisions of this <—
14 subchapter. As used in this [subsection] paragraph, the
15 term "minor" shall mean any individual who has PROVISIONS <—
16 OF THIS SUBCHAPTER.

17 (II) AS USED IN THIS [SUBSECTION] PARAGRAPH, THE
18 TERM "MINOR" SHALL MEAN ANY INDIVIDUAL WHO HAS not yet
19 attained [the age of 18.] 18 years of age.

20 (2) (i) If an individual entitled to bring a civil
21 action arising from childhood sexual abuse is under 18
22 years of age at the time the cause of action accrues, the
23 individual shall have a period of 12 years after
24 attaining 18 years of age in which to commence an action
25 for damages regardless of whether the individual files a
26 criminal complaint regarding the childhood sexual abuse.

27 (ii) For the purposes of this paragraph, the term
28 "childhood sexual abuse" shall include, but not be
29 limited to, the following sexual activities between a
30 minor and an adult, provided that the individual bringing

1 the civil action engaged in such activities as a result
2 of physical or psychological force or the threat of <—
3 physical or psychological force: OF FORCIBLE COMPULSION <—
4 OR BY THREAT OF FORCIBLE COMPULSION WHICH WOULD PREVENT
5 RESISTANCE BY A PERSON OF REASONABLE RESOLUTION:

6 (A) sexual intercourse, which includes
7 penetration, however slight, of any body part or
8 object into the sex organ of another;

9 (B) deviate sexual intercourse, which includes
10 sexual intercourse per os or per anus; and

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

15 (III) FOR PURPOSES OF THIS PARAGRAPH, "FORCIBLE <—
16 COMPULSION" SHALL HAVE THE MEANING GIVEN TO IT IN 18
17 PA.C.S. § 3101 (RELATING TO DEFINITIONS).

18 SECTION 2. SECTION 5552(B)(1) AND (C) OF TITLE 42 ARE
19 AMENDED AND THE SECTION IS AMENDED BY ADDING A SUBSECTION TO
20 READ:

21 § 5552. OTHER OFFENSES.

22 * * *

23 (B) MAJOR OFFENSES.--A PROSECUTION FOR ANY OF THE FOLLOWING
24 OFFENSES MUST BE COMMENCED WITHIN FIVE YEARS AFTER IT IS
25 COMMITTED:

26 (1) UNDER THE FOLLOWING PROVISIONS OF TITLE 18 (RELATING
27 TO CRIMES AND OFFENSES):

28 SECTION 901 (RELATING TO CRIMINAL ATTEMPT) INVOLVING
29 ATTEMPT TO COMMIT MURDER WHERE NO MURDER OCCURS.

30 SECTION 902 (RELATING TO CRIMINAL SOLICITATION)

1 INVOLVING SOLICITATION TO COMMIT MURDER WHERE NO MURDER
2 OCCURS.

3 SECTION 903 (RELATING TO CRIMINAL CONSPIRACY)
4 INVOLVING CONSPIRACY TO COMMIT MURDER WHERE NO MURDER
5 OCCURS.

6 SECTION 911 (RELATING TO CORRUPT ORGANIZATIONS).

7 SECTION 2702 (RELATING TO AGGRAVATED ASSAULT).

8 SECTION 2706 (RELATING TO TERRORISTIC THREATS).

9 SECTION 2713 (RELATING TO NEGLECT OF CARE-DEPENDENT
10 PERSON).

11 SECTION 2901 (RELATING TO KIDNAPPING).

12 [SECTION 3121 (RELATING TO RAPE).

13 SECTION 3122.1 (RELATING TO STATUTORY SEXUAL
14 ASSAULT).

15 SECTION 3123 (RELATING TO INVOLUNTARY DEVIATE SEXUAL
16 INTERCOURSE).

17 SECTION 3124.1 (RELATING TO SEXUAL ASSAULT).

18 SECTION 3125 (RELATING TO AGGRAVATED INDECENT
19 ASSAULT).]

20 SECTION 3301 (RELATING TO ARSON AND RELATED
21 OFFENSES).

22 SECTION 3502 (RELATING TO BURGLARY).

23 SECTION 3701 (RELATING TO ROBBERY).

24 SECTION 3921 (RELATING TO THEFT BY UNLAWFUL TAKING OR
25 DISPOSITION) THROUGH SECTION 3933 (RELATING TO UNLAWFUL
26 USE OF COMPUTER).

27 SECTION 4101 (RELATING TO FORGERY).

28 SECTION 4107 (RELATING TO DECEPTIVE OR FRAUDULENT
29 BUSINESS PRACTICES).

30 SECTION 4108 (RELATING TO COMMERCIAL BRIBERY AND

1 BREACH OF DUTY TO ACT DISINTERESTEDLY).

2 SECTION 4109 (RELATING TO RIGGING PUBLICLY EXHIBITED
3 CONTEST).

4 SECTION 4117 (RELATING TO INSURANCE FRAUD).

5 [SECTION 4302 (RELATING TO INCEST).]

6 SECTION 4701 (RELATING TO BRIBERY IN OFFICIAL AND
7 POLITICAL MATTERS) THROUGH SECTION 4703 (RELATING TO
8 RETALIATION FOR PAST OFFICIAL ACTION).

9 SECTION 4902 (RELATING TO PERJURY) THROUGH SECTION
10 4912 (RELATING TO IMPERSONATING A PUBLIC SERVANT).

11 SECTION 4952 (RELATING TO INTIMIDATION OF WITNESSES
12 OR VICTIMS).

13 SECTION 4953 (RELATING TO RETALIATION AGAINST WITNESS
14 OR VICTIM).

15 SECTION 5101 (RELATING TO OBSTRUCTING ADMINISTRATION
16 OF LAW OR OTHER GOVERNMENTAL FUNCTION).

17 SECTION 5111 (RELATING TO DEALING IN PROCEEDS OF
18 UNLAWFUL ACTIVITIES).

19 SECTION 5512 (RELATING TO LOTTERIES, ETC.) THROUGH
20 SECTION 5514 (RELATING TO POOL SELLING AND BOOKMAKING).

21 SECTION 5902(B) (RELATING TO PROSTITUTION AND RELATED
22 OFFENSES).

23 [SECTION 6312 (RELATING TO SEXUAL ABUSE OF
24 CHILDREN).]

25 * * *

26 (B.1) MAJOR SEXUAL OFFENSES.--A PROSECUTION FOR ANY OF THE
27 FOLLOWING OFFENSES MUST BE COMMENCED WITHIN 12 YEARS AFTER IT IS
28 COMMITTED:

29 SECTION 3121 (RELATING TO RAPE).

30 SECTION 3122.1 (RELATING TO STATUTORY SEXUAL

1 ASSAULT).

2 SECTION 3123 (RELATING TO INVOLUNTARY DEVIATE SEXUAL
3 INTERCOURSE).

4 SECTION 3124.1 (RELATING TO SEXUAL ASSAULT).

5 SECTION 3125 (RELATING TO AGGRAVATED INDECENT
6 ASSAULT).

7 SECTION 4302 (RELATING TO INCEST).

8 SECTION 6312 (RELATING TO SEXUAL ABUSE OF CHILDREN).

9 (C) EXCEPTIONS.--IF THE PERIOD PRESCRIBED IN SUBSECTION (A)
10 [OR], SUBSECTION (B) OR (B.1) HAS EXPIRED, A PROSECUTION MAY
11 NEVERTHELESS BE COMMENCED FOR:

12 (1) ANY OFFENSE A MATERIAL ELEMENT OF WHICH IS EITHER
13 FRAUD OR A BREACH OF FIDUCIARY OBLIGATION WITHIN ONE YEAR
14 AFTER DISCOVERY OF THE OFFENSE BY AN AGGRIEVED PARTY OR BY A
15 PERSON WHO HAS A LEGAL DUTY TO REPRESENT AN AGGRIEVED PARTY
16 AND WHO IS HIMSELF NOT A PARTY TO THE OFFENSE, BUT IN NO CASE
17 SHALL THIS PARAGRAPH EXTEND THE PERIOD OF LIMITATION
18 OTHERWISE APPLICABLE BY MORE THAN THREE YEARS.

19 (2) ANY OFFENSE COMMITTED BY A PUBLIC OFFICER OR
20 EMPLOYEE IN THE COURSE OF OR IN CONNECTION WITH HIS OFFICE OR
21 EMPLOYMENT AT ANY TIME WHEN THE DEFENDANT IS IN PUBLIC OFFICE
22 OR EMPLOYMENT OR WITHIN FIVE YEARS THEREAFTER, BUT IN NO CASE
23 SHALL THIS PARAGRAPH EXTEND THE PERIOD OF LIMITATION
24 OTHERWISE APPLICABLE BY MORE THAN EIGHT YEARS.

25 (3) ANY SEXUAL OFFENSE COMMITTED AGAINST A MINOR WHO IS
26 LESS THAN 18 YEARS OF AGE ANY TIME UP TO THE PERIOD OF
27 LIMITATION PROVIDED BY LAW AFTER THE MINOR HAS REACHED 18
28 YEARS OF AGE. AS USED IN THIS PARAGRAPH, THE TERM "SEXUAL
29 OFFENSE" MEANS A CRIME UNDER THE FOLLOWING PROVISIONS OF
30 TITLE 18 (RELATING TO CRIMES AND OFFENSES):

1 SECTION 3121 (RELATING TO RAPE).
2 [SECTION 3122 (RELATING TO STATUTORY RAPE).]
3 SECTION 3122.1 (RELATING TO STATUTORY SEXUAL
4 ASSAULT).
5 SECTION 3123 (RELATING TO INVOLUNTARY DEVIATE SEXUAL
6 INTERCOURSE).
7 [SECTION 3124 (RELATING TO VOLUNTARY DEVIATE SEXUAL
8 INTERCOURSE).]
9 SECTION 3124.1 (RELATING TO SEXUAL ASSAULT).
10 SECTION 3125 (RELATING TO AGGRAVATED INDECENT
11 ASSAULT).
12 SECTION 3126 (RELATING TO INDECENT ASSAULT).
13 SECTION 3127 (RELATING TO INDECENT EXPOSURE).
14 SECTION 4302 (RELATING TO INCEST).
15 SECTION 4304 (RELATING TO ENDANGERING WELFARE OF
16 CHILDREN).
17 SECTION 6301 (RELATING TO CORRUPTION OF MINORS).
18 SECTION 6312(B) (RELATING TO SEXUAL ABUSE OF
19 CHILDREN).
20 Section ~~2~~ 3. The amendment of 42 Pa.C.S. § 5533(b) shall not ←
21 be applied to revive an action which has been barred by an
22 existing statute of limitations on the effective date of this
23 act.
24 Section ~~3~~ 4. This act shall take effect in 60 days. ←