

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

SENATE AMENDMENTS TO HOUSE AMENDMENTS, JUNE 25, 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 CIVIL statute of limitations in <—
4 childhood sexual abuse cases and in other CRIMINAL STATUTE OF <—
5 LIMITATIONS FOR CERTAIN SEXUAL offenses.

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

8 Section 1. Sections 1512 and 5533(b) of Title 42 of the
9 Pennsylvania Consolidated Statutes are amended to read:

10 § 1512. Seal.

11 Each magisterial district shall have a seal, which shall be
12 in the custody of the district justice elected or appointed for
13 such district. The official acts of the district justice shall
14 be authenticated therewith. There shall be engraved on the seal
15 such inscription as may be specified by general rule. A
16 facsimile or preprinted seal may be used for all purposes in
17 lieu of the original seal.

18 § 5533. Infancy, insanity or imprisonment.

19 \* \* \*

1 (b) Infancy.--

2 (1) (i) If an individual entitled to bring a civil  
3 action is an unemancipated minor at the time the cause of  
4 action accrues, the period of minority shall not be  
5 deemed a portion of the time period within which the  
6 action must be commenced. Such person shall have the same  
7 time for commencing an action after attaining majority as  
8 is allowed to others by the provisions of this  
9 subchapter.

10 (ii) As used in this [subsection] paragraph, the  
11 term "minor" shall mean any individual who has not yet  
12 attained [the age of 18.] 18 years of age.

13 (2) (i) If an individual entitled to bring a civil  
14 action arising from childhood sexual abuse is under 18  
15 years of age at the time the cause of action accrues, the  
16 individual shall have a period of 12 years after  
17 attaining 18 years of age in which to commence an action  
18 for damages regardless of whether the individual files a  
19 criminal complaint regarding the childhood sexual abuse.

20 (ii) For the purposes of this paragraph, the term  
21 "childhood sexual abuse" shall include, but not be  
22 limited to, the following sexual activities between a  
23 minor and an adult, provided that the individual bringing  
24 the civil action engaged in such activities as a result  
25 of forcible compulsion or by threat of forcible  
26 compulsion which would prevent resistance by a person of  
27 reasonable resolution:

28 (A) sexual intercourse, which includes  
29 penetration, however slight, of any body part or  
30 object into the sex organ of another;

1                   (B) deviate sexual intercourse, which includes  
2                   sexual intercourse per os or per anus; and

3                   (C) indecent contact, which includes any  
4                   touching of the sexual or other intimate parts of the  
5                   person for the purpose of arousing or gratifying  
6                   sexual desire in either person.

7                   (iii) For purposes of this paragraph, "forcible  
8                   compulsion" shall have the meaning given to it in 18  
9                   Pa.C.S. § 3101 (relating to definitions).

10           Section 2. Section 5552(b)(1) and (c) of Title 42 are  
11 amended and the section is amended by adding a subsection to  
12 read:

13 § 5552. Other offenses.

14           \* \* \*

15           (b) Major offenses.--A prosecution for any of the following  
16 offenses must be commenced within five years after it is  
17 committed:

18           (1) Under the following provisions of Title 18 (relating  
19 to crimes and offenses):

20                   Section 901 (relating to criminal attempt) involving  
21 attempt to commit murder where no murder occurs.

22                   Section 902 (relating to criminal solicitation)  
23 involving solicitation to commit murder where no murder  
24 occurs.

25                   Section 903 (relating to criminal conspiracy)  
26 involving conspiracy to commit murder where no murder  
27 occurs.

28                   Section 911 (relating to corrupt organizations).

29                   Section 2702 (relating to aggravated assault).

30                   Section 2706 (relating to terroristic threats).

1           Section 2713 (relating to neglect of care-dependent  
2 person).

3           Section 2901 (relating to kidnapping).

4           [Section 3121 (relating to rape).

5           Section 3122.1 (relating to statutory sexual  
6 assault).

7           Section 3123 (relating to involuntary deviate sexual  
8 intercourse).

9           Section 3124.1 (relating to sexual assault).

10          Section 3125 (relating to aggravated indecent  
11 assault).]

12          Section 3301 (relating to arson and related  
13 offenses).

14          Section 3502 (relating to burglary).

15          Section 3701 (relating to robbery).

16          Section 3921 (relating to theft by unlawful taking or  
17 disposition) through section 3933 (relating to unlawful  
18 use of computer).

19          Section 4101 (relating to forgery).

20          Section 4107 (relating to deceptive or fraudulent  
21 business practices).

22          Section 4108 (relating to commercial bribery and  
23 breach of duty to act disinterestedly).

24          Section 4109 (relating to rigging publicly exhibited  
25 contest).

26          Section 4117 (relating to insurance fraud).

27          [Section 4302 (relating to incest).]

28          Section 4701 (relating to bribery in official and  
29 political matters) through section 4703 (relating to  
30 retaliation for past official action).

1 Section 4902 (relating to perjury) through section  
2 4912 (relating to impersonating a public servant).

3 Section 4952 (relating to intimidation of witnesses  
4 or victims).

5 Section 4953 (relating to retaliation against witness  
6 or victim).

7 Section 5101 (relating to obstructing administration  
8 of law or other governmental function).

9 Section 5111 (relating to dealing in proceeds of  
10 unlawful activities).

11 Section 5512 (relating to lotteries, etc.) through  
12 section 5514 (relating to pool selling and bookmaking).

13 Section 5902(b) (relating to prostitution and related  
14 offenses).

15 [Section 6312 (relating to sexual abuse of  
16 children).]

17 \* \* \*

18 (b.1) Major sexual offenses.--A prosecution for any of the  
19 following offenses must be commenced within 12 years after it is  
20 committed:

21 Section 3121 (relating to rape).

22 Section 3122.1 (relating to statutory sexual  
23 assault).

24 Section 3123 (relating to involuntary deviate sexual  
25 intercourse).

26 Section 3124.1 (relating to sexual assault).

27 Section 3125 (relating to aggravated indecent  
28 assault).

29 Section 4302 (relating to incest).

30 Section 6312 (relating to sexual abuse of children).

1 (c) Exceptions.--If the period prescribed in subsection (a)  
2 [or], subsection (b) or (b.1) has expired, a prosecution may  
3 nevertheless be commenced for:

4 (1) Any offense a material element of which is either  
5 fraud or a breach of fiduciary obligation within one year  
6 after discovery of the offense by an aggrieved party or by a  
7 person who has a legal duty to represent an aggrieved party  
8 and who is himself not a party to the offense, but in no case  
9 shall this paragraph extend the period of limitation  
10 otherwise applicable by more than three years.

11 (2) Any offense committed by a public officer or  
12 employee in the course of or in connection with his office or  
13 employment at any time when the defendant is in public office  
14 or employment or within five years thereafter, but in no case  
15 shall this paragraph extend the period of limitation  
16 otherwise applicable by more than eight years.

17 (3) Any sexual offense committed against a minor who is  
18 less than 18 years of age any time up to the period of  
19 limitation provided by law after the minor has reached 18  
20 years of age. As used in this paragraph, the term "sexual  
21 offense" means a crime under the following provisions of  
22 Title 18 (relating to crimes and offenses):

23 Section 3121 (relating to rape).

24 [Section 3122 (relating to statutory rape).]

25 Section 3122.1 (relating to statutory sexual  
26 assault).

27 Section 3123 (relating to involuntary deviate sexual  
28 intercourse).

29 [Section 3124 (relating to voluntary deviate sexual  
30 intercourse).]

1           Section 3124.1 (relating to sexual assault).

2           Section 3125 (relating to aggravated indecent  
3 assault).

4           Section 3126 (relating to indecent assault).

5           Section 3127 (relating to indecent exposure).

6           Section 4302 (relating to incest).

7           Section 4304 (relating to endangering welfare of  
8 children).

9           Section 6301 (relating to corruption of minors).

10          Section 6312(b) (relating to sexual abuse of  
11 children).

12          Section 3. 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 4. This act shall take effect in 60 days.