

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 478 Session of  
2005

INTRODUCED BY STERN, GEORGE, LEDERER, YOUNGBLOOD, STABACK,  
STEIL, GEIST, WASHINGTON, TIGUE, BELFANTI, CAPPELLI, MANN,  
BARRAR, PHILLIPS, SCAVELLO, TRUE, E. Z. TAYLOR, GOODMAN,  
METCALFE, HICKERNELL, SOLOBAY, BENNINGHOFF, SHANER, GINGRICH,  
CRAHALLA, GILLESPIE, J. EVANS, ARMSTRONG, THOMAS, GRUCELA,  
HESS, ROHRER, PALLONE, BROWNE AND GERGELY, FEBRUARY 14, 2005

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 14, 2005

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, further providing for  
3 limitation of actions.

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

6 Section 1. Section 5551 of Title 42 of the Pennsylvania  
7 Consolidated Statutes is amended by adding a paragraph to read:  
8 § 5551. No limitation applicable.

9 A prosecution for the following offenses may be commenced at  
10 any time:

11 \* \* \*

12 (6) Any violation of Title 18 (relating to crimes and  
13 offenses) as follows:

14 Section 3121 (relating to rape).

15 Section 3122.1 (relating to statutory sexual  
16 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  
7           assault).

8           Section 3126 (relating to indecent assault).

9           Section 3127 (relating to indecent exposure).

10          Section 4302 (relating to incest).

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

13          Section 2.   Section 5552(b.1) and (c) of Title 42 are amended  
14   to read:

15   § 5552.   Other offenses.

16          \* \* \*

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

20                Section 3121 (relating to rape).

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

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

25                Section 3124.1 (relating to sexual assault).

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

28                Section 4302 (relating to incest).

29                Section 6312 (relating to sexual abuse of children).]

30          (c)   Exceptions.--If the period prescribed in subsection

(a)[,] or (b) [or (b.1)] has expired, a prosecution may nevertheless be commenced for:

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

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

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

[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 3125 (relating to aggravated indecent assault).

Section 3126 (relating to indecent assault).

1           Section 3127 (relating to indecent exposure).  
2           Section 4302 (relating to incest).]  
3           Section 4304 (relating to endangering welfare of  
4 children).  
5           Section 6301 (relating to corruption of minors).  
6           [Section 6312(b) (relating to sexual abuse of  
7 children).]  
8       \* \* \*  
9       Section 3. This act shall take effect in 60 days.