
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 814 Session of
2009

INTRODUCED BY BOSCOLA, WASHINGTON, ERICKSON, FONTANA, RAFFERTY,
KASUNIC, TARTAGLIONE, MUSTO, LOGAN, ALLOWAY AND HUGHES,
APRIL 23, 2009

REFERRED TO JUDICIARY, APRIL 23, 2009

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, further providing for
3 statutes of limitations for certain offenses.

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 to read:

8 § 5551. No limitation applicable.

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

11 (1) Murder.

12 (2) Voluntary manslaughter.

13 (3) Conspiracy to commit murder or solicitation to
14 commit murder if a murder results from the conspiracy or
15 solicitation.

16 (4) Any felony alleged to have been perpetrated in
17 connection with a murder of the first or second degree, as
18 set forth in 18 Pa.C.S. § 2502(a) or (b) and (d) (relating to

1 murder).

2 (5) A violation of 75 Pa.C.S. § 3742 (relating to
3 accidents involving death or personal injury) or 3732
4 (relating to homicide by vehicle) if the accused was the
5 driver of a vehicle involved in an accident resulting in the
6 death of any person.

7 (6) A violation of 18 Pa.C.S. § 2702(a)(1), (2), (4) or
8 (7) (relating to aggravated assault) if the accused knew the
9 victim was a law enforcement officer and the law enforcement
10 officer was acting within the scope of the officer's duties.

11 (7) Any violation of 18 Pa.C.S. (relating to crimes and
12 offenses) as follows:

13 Section 3121 (relating to rape).

14 Section 3122.1 (relating to statutory sexual
15 assault).

16 Section 3123 (relating to involuntary deviate sexual
17 intercourse).

18 Section 3124.1 (relating to sexual assault).

19 Section 3124.2 (relating to institutional sexual
20 assault).

21 Section 3125 (relating to aggravated indecent
22 assault).

23 Section 3126 (relating to indecent assault).

24 Section 3127 (relating to indecent exposure).

25 Section 4302 (relating to incest).

26 Section 6312(b) (relating to sexual abuse of
27 children).

28 Section 2. Section 5552 of Title 42, amended or added July
29 17, 2008 (P.L.1628, No.131), is amended to read:

30 § 5552. Other offenses.

1 (a) General rule.--Except as otherwise provided in this
2 subchapter, a prosecution for an offense must be commenced
3 within two years after it is committed.

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

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

9 Section 901 (relating to criminal attempt) involving
10 attempt to commit murder where no murder occurs.

11 Section 902 (relating to criminal solicitation)
12 involving solicitation to commit murder where no murder
13 occurs.

14 Section 903 (relating to criminal conspiracy)
15 involving conspiracy to commit murder where no murder
16 occurs.

17 Section 911 (relating to corrupt organizations).

18 Section 2702 (relating to aggravated assault).

19 Section 2706 (relating to terroristic threats).

20 Section 2713 (relating to neglect of care-dependent
21 person).

22 Section 2901 (relating to kidnapping).

23 Section 3301 (relating to arson and related
24 offenses).

25 Section 3502 (relating to burglary).

26 Section 3701 (relating to robbery).

27 Section 3921 (relating to theft by unlawful taking or
28 disposition) through section [3933 (relating to unlawful
29 use of computer)] 3932 (relating to theft of leased
30 property).

1 Section 4101 (relating to forgery).

2 Section 4107 (relating to deceptive or fraudulent
3 business practices).

4 Section 4108 (relating to commercial bribery and
5 breach of duty to act disinterestedly).

6 Section 4109 (relating to rigging publicly exhibited
7 contest).

8 Section 4117 (relating to insurance fraud).

9 Section 4701 (relating to bribery in official and
10 political matters) through section 4703 (relating to
11 retaliation for past official action).

12 Section 4902 (relating to perjury) through section
13 4912 (relating to impersonating a public servant).

14 Section 4952 (relating to intimidation of witnesses
15 or victims).

16 Section 4953 (relating to retaliation against
17 witness, victim or party).

18 Section 5101 (relating to obstructing administration
19 of law or other governmental function).

20 Section 5111 (relating to dealing in proceeds of
21 unlawful activities).

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

24 Section 5902(b) (relating to prostitution and related
25 offenses).

26 Section 6111(g) (2) and (4) (relating to sale or
27 transfer of firearms).

28 Section 7611 (relating to unlawful use of computer
29 and other computer crimes).

30 (2) Any offense punishable under section 13(f) of the

1 act of April 14, 1972 (P.L.233, No.64), known as The
2 Controlled Substance, Drug, Device and Cosmetic Act.

3 (3) Any conspiracy to commit any of the offenses set
4 forth in paragraphs (1) and (2) and any solicitation to
5 commit any of the offenses in paragraphs (1) and (2) if the
6 solicitation results in the completed offense.

7 (4) Under the act of June 13, 1967 (P.L.31, No.21),
8 known as the Public Welfare Code.

9 (5) Under the act of November 24, 1998 (P.L.874,
10 No.110), known as the Motor Vehicle Chop Shop and Illegally
11 Obtained and Altered Property Act.

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

15 Section 3121 (relating to rape).

16 Section 3122.1 (relating to statutory sexual assault).

17 Section 3123 (relating to involuntary deviate sexual
18 intercourse).

19 Section 3124.1 (relating to sexual assault).

20 Section 3125 (relating to aggravated indecent assault).

21 Section 4302 (relating to incest).

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

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

26 (1) Any offense a material element of which is either
27 fraud or a breach of fiduciary obligation within one year
28 after discovery of the offense by an aggrieved party or by a
29 person who has a legal duty to represent an aggrieved party
30 and who is himself not a party to the offense, but in no case

1 shall this paragraph extend the period of limitation
2 otherwise applicable by more than three years.

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

9 (3) Any sexual offense committed against a minor who is
10 less than 18 years of age any time up to the later of the
11 period of limitation provided by law after the minor has
12 reached 18 years of age or the date the minor reaches 50
13 years of age. As used in this paragraph, the term "sexual
14 offense" means a crime under the following provisions of
15 Title 18 (relating to crimes and offenses):

16 Section 3121 (relating to rape).

17 Section 3122.1 (relating to statutory sexual
18 assault).

19 Section 3123 (relating to involuntary deviate sexual
20 intercourse).

21 Section 3124.1 (relating to sexual assault).

22 Section 3125 (relating to aggravated indecent
23 assault).

24 Section 3126 (relating to indecent assault).

25 Section 3127 (relating to indecent exposure).

26 [Section 4302 (relating to incest).]

27 Section 4304 (relating to endangering welfare of
28 children).

29 Section 6301 (relating to corruption of minors).

30 [Section 6312(b) (relating to sexual abuse of

1 children).

2 Section 6320 (relating to sexual exploitation of
3 children).]

4 (4) An offense in violation of 18 Pa.C.S. § 6111(c) or
5 (g), within one year of its discovery by State or local law
6 enforcement, but in no case shall this paragraph extend the
7 period of limitation otherwise applicable by more than eight
8 years.

9 (c.1) Genetic identification evidence.--Notwithstanding any
10 provision of law to the contrary, if evidence of a misdemeanor
11 sexual offense set forth in subsection (c)(3) or a felony
12 offense is obtained containing human deoxyribonucleic acid (DNA)
13 which is subsequently used to identify an otherwise unidentified
14 individual as the perpetrator of the offense, the prosecution of
15 the offense may be commenced within the period of limitations
16 provided for the offense or one year after the identity of the
17 individual is determined, whichever is later.

18 (d) Commission of offense.--An offense is committed either
19 when every element occurs, or, if a legislative purpose to
20 prohibit a continuing course of conduct plainly appears, at the
21 time when the course of conduct or the complicity of the
22 defendant therein is terminated. Time starts to run on the day
23 after the offense is committed.

24 (e) Commencement of prosecution.--Except as otherwise
25 provided by general rule adopted pursuant to section 5503
26 (relating to commencement of matters), a prosecution is
27 commenced either when an indictment is found or an information
28 under section 8931(b) (relating to indictment and information)
29 is issued, or when a warrant, summons or citation is issued, if
30 such warrant, summons or citation is executed without

1 unreasonable delay.

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