

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 815 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 limitations on civil actions based on certain assaults.

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

6 Section 1. Section 5524 of Title 42 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 5524. Two year limitation.

9 The following actions and proceedings must be commenced
10 within two years:

11 (1) [An] Except as provided in section 5531(4) (relating
12 to no limitation), an action for assault, battery, false
13 imprisonment, false arrest, malicious prosecution or
14 malicious abuse of process.

15 (2) [An] Except as provided in section 5531(4), an
16 action to recover damages for injuries to the person or for
17 the death of an individual caused by the wrongful act or
18 neglect or unlawful violence or negligence of another.

1 (3) An action for taking, detaining or injuring personal
2 property, including actions for specific recovery thereof.

3 (4) An action for waste or trespass of real property.

4 (5) An action upon a statute for a civil penalty or
5 forfeiture.

6 (6) An action against any officer of any government unit
7 for the nonpayment of money or the nondelivery of property
8 collected upon on execution or otherwise in his possession.

9 (7) [Any] Except as provided in section 5531(4), any
10 other action or proceeding to recover damages for injury to
11 person or property which is founded on negligent,
12 intentional, or otherwise tortious conduct or any other
13 action or proceeding sounding in trespass, including deceit
14 or fraud, except an action or proceeding subject to another
15 limitation specified in this subchapter.

16 Section 2. Section 5531 of Title 42 is amended to read:

17 § 5531. No limitation.

18 The following actions and proceedings may be commenced at any
19 time notwithstanding any other provision of this subchapter
20 except section 5521 (relating to limitations on foreign claims):

21 (1) An action against an attorney at law by or on behalf
22 of a client to enforce any implied or resulting trust as to
23 real property.

24 (2) An action by the Commonwealth, a county or an
25 institution district against the real or personal property of
26 persons who were public charges, including mental patients,
27 to recover the cost of their maintenance and support.

28 (3) An action by the Commonwealth, a county or an
29 institution district against the real or personal property of
30 persons who were legally liable to pay for the maintenance

1 and support of persons who were public charges, including
2 mental patients, to recover the cost of their maintenance and
3 support.

4 (4) A personal injury action based on any of the
5 following:

6 (i) Murder.

7 (ii) Voluntary manslaughter.

8 (iii) Conspiracy to commit murder or solicitation to
9 commit murder if a murder results from the conspiracy or
10 solicitation.

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

15 (v) A violation of 75 Pa.C.S. § 3732 (relating to
16 homicide by vehicle) or 3742 (relating to accidents
17 involving death or personal injury) if the accused was
18 the driver of a vehicle involved in an accident resulting
19 in the death of any person.

20 (vi) Any violation of 18 Pa.C.S. (relating to crimes
21 and offenses) as follows:

22 Section 3121 (relating to rape).

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

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

27 Section 3124.1 (relating to sexual assault).

28 Section 3124.2 (relating to institutional sexual
29 assault).

30 Section 3125 (relating to aggravated indecent

1 assault).
2 Section 3126 (relating to indecent assault).
3 Section 3127 (relating to indecent exposure).
4 Section 4302 (relating to incest).
5 Section 6312(b) (relating to sexual abuse of
6 children).
7 Section 3. This act shall take effect in 60 days.