

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 498 Session of 2011

INTRODUCED BY M. O'BRIEN, CALTAGIRONE, JOSEPHS, CLYMER, BARRAR, FARRY, FRANKEL, GIBBONS, GOODMAN, GROVE, HARKINS, KOTIK, MANN, MURPHY, O'NEILL, PYLE, READSHAW, ROSS, SWANGER, TALLMAN, WAGNER AND YOUNGBLOOD, FEBRUARY 4, 2011

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 4, 2011

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, further providing for the  
3 commencement of criminal prosecution for the offense of  
4 sexual abuse of children.

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

7 Section 1. Section 5552(b.1) and (e) of Title 42 of the  
8 Pennsylvania Consolidated Statutes are amended and the section  
9 is amended by adding a subsection to read:

10 § 5552. Other offenses.

11 \* \* \*

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).

Section 3124.1 (relating to sexual assault).

Section 3125 (relating to aggravated indecent assault).

Section 4302 (relating to incest).

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

(b.2) Sexual abuse of children.--A prosecution for the following offense under Title 18 must be commenced within 25 years after it is committed:

Section 6312 (relating to sexual abuse of children).

(c) Exceptions.--If the period prescribed in subsection (a), (b) [or], (b.1) or (b.2) 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 later of the period of limitation provided by law after the minor has reached 18 years of age or the date the minor reaches 50 years of age. As used in this paragraph, the term "sexual offense" means a crime under the following provisions of

1 Title 18 (relating to crimes and offenses):

2 Section 3121 (relating to rape).

3 Section 3122.1 (relating to statutory sexual assault).

4 Section 3123 (relating to involuntary deviate sexual  
5 intercourse).

6 Section 3124.1 (relating to sexual assault).

7 Section 3125 (relating to aggravated indecent assault).

8 Section 3126 (relating to indecent assault).

9 Section 3127 (relating to indecent exposure).

10 Section 4302 (relating to incest).

11 Section 4304 (relating to endangering welfare of  
12 children).

13 Section 6301 (relating to corruption of minors).

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

15 Section 6320 (relating to sexual exploitation of  
16 children).

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

22 \* \* \*

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