

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 832 Session of 2011

INTRODUCED BY BISHOP, MCGEEHAN, PASHINSKI, K. BOYLE, BRIGGS,
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 METCALFE, MURPHY, MURT, MYERS, M. O'BRIEN, READSHAW,
 SANTARSIERO, SCAVELLO, STABACK, STEVENSON, SWANGER AND
 YOUNGBLOOD, FEBRUARY 28, 2011

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 28, 2011

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
 2 Pennsylvania Consolidated Statutes, in limitation of time,
 3 further providing for unlimited time to bring civil actions,
 4 for tolling limitations of civil actions, for unlimited time
 5 to bring criminal actions and for limitation of serious
 6 criminal actions.

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

9 Section 1. Section 5531 of Title 42 of the Pennsylvania
 10 Consolidated Statutes is amended by adding a paragraph to read:
 11 § 5531. No limitation.

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

15 * * *

16 (4) An action for childhood sexual abuse. As used in
 17 this paragraph, the following words and phrases shall have
 18 the following meanings:

1 "Childhood sexual abuse." Includes the following:

2 (i) Any of the following sexual activities between a
3 minor and an adult, if the individual bringing the civil
4 action engaged in the activity as a result of forcible
5 compulsion or by threat of forcible compulsion which
6 would prevent resistance by a person of reasonable
7 resolution:

8 (A) Sexual intercourse, which includes
9 penetration, however slight, of any body part or
10 object into the sex organ of another.

11 (B) Deviate sexual intercourse, which includes
12 sexual intercourse per os or per anus.

13 (C) Indecent contact, which includes any
14 touching of the sexual or other intimate parts of the
15 person for the purpose of arousing or gratifying
16 sexual desire in either person.

17 (D) An action which constitutes an offense under
18 any of the following provisions of Title 18 (relating
19 to crimes and offenses):

20 Section 3121 (relating to rape).

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

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

25 Section 3124.1 (relating to sexual assault).

26 Section 3124.2 (relating to institutional
27 sexual assault).

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

30 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
4 of children).

5 Section 6301 (relating to corruption of
6 minors).

7 Section 6312 (relating to sexual abuse of
8 children).

9 "Forcible compulsion." As defined in 18 Pa.C.S. § 3101
10 (relating to definitions).

11 Section 2. Section 5533(b) (2) of Title 42 is amended to
12 read:

13 § 5533. Infancy, insanity or imprisonment.

14 * * *

15 (b) Infancy.--

16 * * *

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

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

1 reasonable resolution:

2 (A) sexual intercourse, which includes
3 penetration, however slight, of any body part or
4 object into the sex organ of another;

5 (B) deviate sexual intercourse, which includes
6 sexual intercourse per os or per anus; and

7 (C) indecent contact, which includes any
8 touching of the sexual or other intimate parts of the
9 person for the purpose of arousing or gratifying
10 sexual desire in either person.

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

14 Section 3. Section 5551 of Title 42 is amended by adding a
15 paragraph to read:

16 § 5551. No limitation applicable.

17 A prosecution for the following offenses may be commenced at
18 any time:

19 * * *

20 (7) An offense under any of the following provisions of
21 Title 18 (relating to crimes and offenses) if the victim is
22 under 18 years of age:

23 Section 3121 (relating to rape).

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

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

28 Section 3124.1 (relating to sexual assault).

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

1 Section 3125 (relating to aggravated indecent sexual
2 assault).

3 Section 3126 (relating to indecent assault).

4 Section 3127 (relating to indecent exposure).

5 Section 4302 (relating to incest).

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

8 Section 6301 (relating to corruption of minors).

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

10 Section 4. Section 5552(b.1), (c) (3) and (c.1) of Title 42
11 are amended to read:

12 § 5552. Other offenses.

13 * * *

14 (b.1) Major sexual offenses.--[A] Except as set forth in
15 section 5551(7) (relating to no limitation applicable), a
16 prosecution for any of the following offenses under Title 18
17 must be commenced within 12 years after it is committed:

18 Section 3121 (relating to rape).

19 Section 3122.1 (relating to statutory sexual assault).

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

22 Section 3124.1 (relating to sexual assault).

23 Section 3125 (relating to aggravated indecent assault).

24 Section 4302 (relating to incest).

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

26 (c) Exceptions.--If the period prescribed in subsection (a),
27 (b) or (b.1) has expired, a prosecution may nevertheless be
28 commenced for:

29 * * *

30 [(3) Any sexual offense committed against a minor who is

1 less than 18 years of age any time up to the later of the
2 period of limitation provided by law after the minor has
3 reached 18 years of age or the date the minor reaches 50
4 years of age. As used in this paragraph, the term "sexual
5 offense" means a crime under the following provisions of
6 Title 18 (relating to crimes and offenses):

7 Section 3121 (relating to rape).

8 Section 3122.1 (relating to statutory sexual
9 assault).

10 Section 3123 (relating to involuntary deviate sexual
11 intercourse).

12 Section 3124.1 (relating to sexual assault).

13 Section 3125 (relating to aggravated indecent
14 assault).

15 Section 3126 (relating to indecent assault).

16 Section 3127 (relating to indecent exposure).

17 Section 4302 (relating to incest).

18 Section 4304 (relating to endangering welfare of
19 children).

20 Section 6301 (relating to corruption of minors).

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

23 Section 6320 (relating to sexual exploitation of
24 children).]

25 * * *

26 (c.1) Genetic identification evidence.--Notwithstanding any
27 provision of law to the contrary, if evidence of [a misdemeanor
28 sexual] an offense [set forth in subsection (c) (3)] under 18
29 Pa.C.S. § 3126 (relating to indecent assault) or 3127 (relating
30 to indecent exposure) or a felony offense is obtained containing

1 human deoxyribonucleic acid (DNA) which is subsequently used to
2 identify an otherwise unidentified individual as the perpetrator
3 of the offense, the prosecution of the offense may be commenced
4 within the period of limitations provided for the offense or one
5 year after the identity of the individual is determined,
6 whichever is later.

7 * * *

8 Section 5. This act shall take effect in 60 days.