
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2488 Session of
2012

INTRODUCED BY MARSICO AND CALTAGIRONE, JUNE 19, 2012

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 19, 2012

AN ACT

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

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

8 Section 1. Section 5533(b)(2)(i) of Title 42 of the
9 Pennsylvania Consolidated Statutes is amended to read:

10 § 5533. Infancy, insanity or imprisonment.

11 * * *

12 (b) Infancy.--

13 * * *

14 (2) (i) If an individual entitled to bring a civil
15 action arising from childhood sexual abuse is under 18
16 years of age at the time the cause of action accrues, the
17 individual shall have a period of [12] 32 years after
18 attaining 18 years of age in which to commence an action
19 for damages regardless of whether the individual files a
20 criminal complaint regarding the childhood sexual abuse.

1 * * *

2 Section 2. Section 5551 of Title 42 is amended by adding a
3 paragraph to read:

4 § 5551. No limitation applicable.

5 A prosecution for the following offenses may be commenced at
6 any time:

7 * * *

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

11 Section 3121 (relating to rape).

12 Section 3122.1 (relating to statutory sexual
13 assault).

14 Section 3123 (relating to involuntary deviate sexual
15 intercourse).

16 Section 3124.1 (relating to sexual assault).

17 Section 3124.2 (relating to institutional sexual
18 assault).

19 Section 3125 (relating to aggravated indecent sexual
20 assault).

21 Section 3126 (relating to indecent assault).

22 Section 3127 (relating to indecent exposure).

23 Section 4302 (relating to incest).

24 Section 4304 (relating to endangering welfare of
25 children).

26 Section 6301 (relating to corruption of minors).

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

28 Section 6320 (relating to sexual exploitation of
29 children).

30 Section 3. Section 5552(b.1), (c)(3) and (c.1) of Title 42

1 are amended to read:

2 § 5552. Other offenses.

3 * * *

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

8 Section 3121 (relating to rape).

9 Section 3122.1 (relating to statutory sexual 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 assault).

14 Section 4302 (relating to incest).

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

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

19 * * *

20 [(3) Any sexual offense committed against a minor who is
21 less than 18 years of age any time up to the later of the
22 period of limitation provided by law after the minor has
23 reached 18 years of age or the date the minor reaches 50
24 years of age. As used in this paragraph, the term "sexual
25 offense" means a crime under the following provisions of
26 Title 18 (relating to crimes and offenses):

27 Section 3121 (relating to rape).

28 Section 3122.1 (relating to statutory sexual
29 assault).

30 Section 3123 (relating to involuntary deviate sexual

1 intercourse).

2 Section 3124.1 (relating to sexual assault).

3 Section 3125 (relating to aggravated indecent
4 assault).

5 Section 3126 (relating to indecent assault).

6 Section 3127 (relating to indecent exposure).

7 Section 4302 (relating to incest).

8 Section 4304 (relating to endangering welfare of
9 children).

10 Section 6301 (relating to corruption of minors).

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

13 Section 6320 (relating to sexual exploitation of
14 children).]

15 * * *

16 (c.1) Genetic identification evidence.--Notwithstanding any
17 provision of law to the contrary, if evidence of [a misdemeanor
18 sexual] an offense [set forth in subsection (c) (3)] under 18
19 Pa.C.S. § 3126 (relating to indecent assault) or 3127 (relating
20 to indecent exposure) or a felony offense is obtained containing
21 human deoxyribonucleic acid (DNA) which is subsequently used to
22 identify an otherwise unidentified individual as the perpetrator
23 of the offense, the prosecution of the offense may be commenced
24 within the period of limitations provided for the offense or one
25 year after the identity of the individual is determined,
26 whichever is later.

27 * * *

28 Section 4. This act shall take effect in 60 days.