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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 195 Session of  
2011

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INTRODUCED BY BOSCOLA, TARTAGLIONE, ERICKSON, KASUNIC, BREWSTER,  
FONTANA AND ALLOWAY, JANUARY 19, 2011

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REFERRED TO JUDICIARY, JANUARY 19, 2011

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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. Sections 5551 and 5552 of Title 42 of the  
7 Pennsylvania Consolidated Statutes are 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 § 5552. Other offenses.

29 (a) General rule.--Except as otherwise provided in this  
30 subchapter, a prosecution for an offense must be commenced

1 within two years after it is committed.

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

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

7 Section 901 (relating to criminal attempt) involving  
8 attempt to commit murder where no murder occurs.

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

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

15 Section 911 (relating to corrupt organizations).

16 Section 2702 (relating to aggravated assault).

17 Section 2706 (relating to terroristic threats).

18 Section 2713 (relating to neglect of care-dependent  
19 person).

20 Section 2901 (relating to kidnapping).

21 Section 3301 (relating to arson and related  
22 offenses).

23 Section 3502 (relating to burglary).

24 Section 3701 (relating to robbery).

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

29 Section 4101 (relating to forgery).

30 Section 4107 (relating to deceptive or fraudulent

1 business practices).

2 Section 4108 (relating to commercial bribery and  
3 breach of duty to act disinterestedly).

4 Section 4109 (relating to rigging publicly exhibited  
5 contest).

6 Section 4117 (relating to insurance fraud).

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

10 Section 4902 (relating to perjury) through section  
11 4912 (relating to impersonating a public servant).

12 Section 4952 (relating to intimidation of witnesses  
13 or victims).

14 Section 4953 (relating to retaliation against  
15 witness, victim or party).

16 Section 5101 (relating to obstructing administration  
17 of law or other governmental function).

18 Section 5111 (relating to dealing in proceeds of  
19 unlawful activities).

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

22 Section 5902(b) (relating to prostitution and related  
23 offenses).

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

26 Section 7611 (relating to unlawful use of computer  
27 and other computer crimes).

28 (2) Any offense punishable under section 13(f) of the  
29 act of April 14, 1972 (P.L.233, No.64), known as The  
30 Controlled Substance, Drug, Device and Cosmetic Act.

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

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

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

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

13 Section 3121 (relating to rape).

14 Section 3122.1 (relating to statutory sexual assault).

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

17 Section 3124.1 (relating to sexual assault).

18 Section 3125 (relating to aggravated indecent assault).

19 Section 4302 (relating to incest).

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

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

24 (1) Any offense a material element of which is either  
25 fraud or a breach of fiduciary obligation within one year  
26 after discovery of the offense by an aggrieved party or by a  
27 person who has a legal duty to represent an aggrieved party  
28 and who is himself not a party to the offense, but in no case  
29 shall this paragraph extend the period of limitation  
30 otherwise applicable by more than three years.

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

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

14           Section 3121 (relating to rape).

15           Section 3122.1 (relating to statutory sexual  
16 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  
21 assault).

22           Section 3126 (relating to indecent assault).

23           Section 3127 (relating to indecent exposure).

24           [Section 4302 (relating to incest).]

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

27           Section 6301 (relating to corruption of minors).

28           [Section 6312(b) (relating to sexual abuse of  
29 children).

30           Section 6320 (relating to sexual exploitation of

1 children).]

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

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

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

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

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