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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2067 Session of  
2014

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INTRODUCED BY ROZZI, V. BROWN, SANTARSIERO, HARHART, MCGEEHAN,  
BISHOP, D. MILLER, GAINNEY, COHEN, KINSEY, BROWNLEE, SWANGER,  
YOUNGBLOOD, ROEBUCK, O'BRIEN, STURLA, BURNS, R. BROWN, MURT  
AND DAVIDSON, MARCH 10, 2014

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REFERRED TO COMMITTEE ON JUDICIARY, MARCH 10, 2014

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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 certain civil  
4 actions and criminal proceedings; and, in matters affecting  
5 government units, further providing for exceptions to  
6 sovereign immunity and governmental immunity.

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

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

11 § 5533. Infancy, insanity or imprisonment.

12 \* \* \*

13 (b) Infancy.--

14 (1) (i) If an individual entitled to bring a civil  
15 action is an unemancipated minor at the time the cause of  
16 action accrues, the period of minority shall not be  
17 deemed a portion of the time period within which the  
18 action must be commenced. Such person shall have the same  
19 time for commencing an action after attaining majority as

1 is allowed to others by the provisions of this  
2 subchapter.

3 (ii) As used in this paragraph, the term "minor"  
4 shall mean any individual who has not yet attained 18  
5 years of age.

6 (2) (i) If an individual entitled to bring a civil  
7 action arising from childhood sexual abuse is under 18  
8 years of age at the time the cause of action accrues, the  
9 individual [shall have a period of 12 years after  
10 attaining 18 years of age in which to] may commence an  
11 action for damages at any time regardless of whether the  
12 individual files a criminal complaint regarding the  
13 childhood sexual abuse.

14 (ii) For the purposes of this paragraph, the term  
15 "childhood sexual abuse" shall include, but not be  
16 limited to, the following sexual activities between a  
17 minor and an adult, provided that the individual bringing  
18 the civil action engaged in such activities as a result  
19 of forcible compulsion or by threat of forcible  
20 compulsion which would prevent resistance by a person of  
21 reasonable resolution:

22 (A) sexual intercourse, which includes  
23 penetration, however slight, of any body part or  
24 object into the sex organ of another;

25 (B) deviate sexual intercourse, which includes  
26 sexual intercourse per os or per anus; and

27 (C) indecent contact, which includes any  
28 touching of the sexual or other intimate parts of the  
29 person for the purpose of arousing or gratifying  
30 sexual desire in either person.

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

4 (3) Notwithstanding any other provision of law, a civil  
5 action that would be permitted to be filed pursuant to  
6 paragraph (2), but for the time limitation contained in  
7 paragraph (2) to commence an action for damages or any other  
8 statute of limitations, is revived, and such a civil action  
9 may be commenced up to the date the individual entitled to  
10 bring a civil action under paragraph (2) reaches 50 years of  
11 age. Nothing in this subsection shall be construed to alter  
12 the applicable statute of limitations period of a civil  
13 action arising from childhood sexual abuse that is not time  
14 barred as of the effective date of this paragraph.

15 (4) If a person committing an act of childhood sexual  
16 abuse against a minor was employed by an institution, agency,  
17 firm, business, corporation or other public or private legal  
18 entity that owed a duty of care to the victim, or the accused  
19 and the minor were engaged in some activity over which the  
20 entity had some degree of responsibility or control, damages  
21 against the entity shall be awarded under paragraph (3) only  
22 if there is a finding of gross negligence on the part of the  
23 entity.

24 (5) If an individual or the individual's legal  
25 representative has previously brought a civil action arising  
26 from childhood sexual abuse and that suit has been dismissed  
27 because it was filed beyond the statute of limitations that  
28 applied at that time, the individual or the individual's  
29 legal representative may petition the court to reopen the  
30 action within the period provided in paragraph (3). The court

1 may grant the petition if it determines that any of the  
2 following exist:

3 (i) The victim of the childhood abuse was under 30  
4 years of age at the time the statute of limitations  
5 expired.

6 (ii) The existence of newly discovered evidence  
7 that, with reasonable diligence, could not have been  
8 discovered before the prior statute of limitations  
9 expired.

10 (iii) Fraud, inexcusable neglect, misrepresentation  
11 or misconduct by an opposing party.

12 (iv) Any other extraordinary circumstances that the  
13 court believes are in the interest of justice.

14 Section 2. 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) Any sexual offense committed against a minor who is  
21 less than 18 years of age. As used in this paragraph, the  
22 term "sexual offense" means a crime under the following  
23 provisions of Title 18 (relating to crimes and offenses):

24 Section 3121 (relating to rape).

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

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

29 Section 3124.1 (relating to sexual 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 4304 (relating to endangering welfare of  
6 children).

7           Section 6301 (relating to corruption of minors).

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

10           Section 6320 (relating to sexual exploitation of  
11 children).

12       Section 3. Section 5552(c)(3) of Title 42 is amended to  
13 read:

14       § 5552. Other offenses.

15       \* \* \*

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 Section 4. Sections 8522(b) and 8542(b) of Title 42 are  
17 amended by adding paragraphs to read:

18 § 8522. Exceptions to sovereign immunity.

19 \* \* \*

20 (b) Acts which may impose liability.--The following acts by  
21 a Commonwealth party may result in the imposition of liability  
22 on the Commonwealth and the defense of sovereign immunity shall  
23 not be raised to claims for damages caused by:

24 \* \* \*

25 (10) Child sexual abuse.--Acts of child sexual abuse  
26 which constitute gross negligence when committed by  
27 individuals employed by a public institution, agency or other  
28 legal entity for which actions are brought under section  
29 5533(b) (relating to infancy, insanity or imprisonment).

30 § 8542. Exceptions to governmental immunity.

1 \* \* \*

2 (b) Acts which may impose liability.--The following acts by  
3 a local agency or any of its employees may result in the  
4 imposition of liability on a local agency:

5 \* \* \*

6 (9) Child sexual abuse.--Acts of child sexual abuse  
7 which constitute gross negligence when committed by  
8 individuals employed by a public institution, agency or other  
9 legal entity for which actions are brought under section  
10 5533(b) (relating to infancy, insanity or imprisonment).

11 \* \* \*

12 Section 5. The addition of 42 Pa.C.S. §§ 8522(b)(10) and  
13 8542(b)(9) shall apply to acts of child sexual abuse committed  
14 on or after the effective date of this section.

15 Section 6. This act shall take effect in 60 days.