

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1947 Session of 2015

INTRODUCED BY MARSICO AND PETRARCA, APRIL 4, 2016

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, APRIL 5, 2016

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in limitation of time,
3 further providing for infancy, insanity or imprisonment, for
4 no limitation applicable and for other offenses; AND, IN <--
5 MATTERS AFFECTING GOVERNMENT UNITS, FURTHER PROVIDING FOR
6 EXCEPTIONS TO SOVEREIGN IMMUNITY AND FOR EXCEPTIONS TO
7 GOVERNMENTAL IMMUNITY.

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

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

12 § 5533. Infancy, insanity or imprisonment.

13 \* \* \*

14 (b) Infancy.--

15 \* \* \*

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

1 for damages regardless of whether the individual files a  
2 criminal complaint regarding the childhood sexual abuse.

3 \* \* \*

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

6 § 5551. No limitation applicable.

7 A prosecution for the following offenses may be commenced at  
8 any time:

9 \* \* \*

10 (7) An offense under any of the following provisions of  
11 18 Pa.C.S. (relating to crimes and offenses) if the victim  
12 was under 18 years of age at the time of the offense:

13 Section 3011(b) (relating to trafficking in individuals).

14 Section 3012 (relating to involuntary servitude) as it  
15 relates to sexual servitude.

16 Section 3121 (relating to rape).

17 Section 3122.1 (relating to statutory sexual assault).

18 Section 3123 (relating to involuntary deviate sexual  
19 intercourse).

20 Section 3124.1 (relating to sexual assault).

21 Section 3124.2 (relating to institutional sexual  
22 assault).

23 Section 3125 (relating to aggravated indecent assault).

24 Section 4302 (relating to incest).

25 Section 3. Section 5552(b.1) and (c) (3) of Title 42 are  
26 amended to read:

27 § 5552. Other offenses.

28 \* \* \*

29 (b.1) Major sexual offenses.--[A] Except as provided in  
30 section 5551(7) (relating to no limitation applicable), a

1 prosecution for any of the following offenses under Title 18  
2 must be commenced within 12 years after it is committed:

3 Section 3121 (relating to rape).

4 Section 3122.1 (relating to statutory sexual assault).

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

7 Section 3124.1 (relating to sexual assault).

8 Section 3124.2(a) and (a.2) (relating to institutional  
9 sexual assault).

10 Section 3125 (relating to aggravated indecent assault).

11 Section 4302 (relating to incest).

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

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

16 \* \* \*

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

24 [Section 3011(b) (relating to trafficking in  
25 individuals).

26 Section 3012 (relating to involuntary servitude) as  
27 it relates to sexual servitude.

28 Section 3121 (relating to rape).

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

1           Section 3123 (relating to involuntary deviate sexual  
2 intercourse).

3           Section 3124.1 (relating to sexual assault).

4           Section 3125 (relating to aggravated indecent  
5 assault).]

6           Section 3126 (relating to indecent assault).

7           Section 3127 (relating to indecent exposure).

8           [Section 4302 (relating to incest).]

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

11          Section 6301 (relating to corruption of minors).

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

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

16          \* \* \*

17          ~~Section 4. The amendment or addition of 42 Pa.C.S. §§~~ <--

18          SECTION 3.1. SECTIONS 8522(B) AND 8542(B) OF TITLE 42 ARE <--

19 AMENDED BY ADDING PARAGRAPHS TO READ:

20 § 8522. EXCEPTIONS TO SOVEREIGN IMMUNITY.

21          \* \* \*

22          (B) ACTS WHICH MAY IMPOSE LIABILITY.--THE FOLLOWING ACTS BY  
23 A COMMONWEALTH PARTY MAY RESULT IN THE IMPOSITION OF LIABILITY  
24 ON THE COMMONWEALTH AND THE DEFENSE OF SOVEREIGN IMMUNITY SHALL  
25 NOT BE RAISED TO CLAIMS FOR DAMAGES CAUSED BY:

26          \* \* \*

27          (10) SEXUAL ABUSE.--CONDUCT WHICH CONSTITUTES AN OFFENSE  
28 ENUMERATED UNDER SECTION 5551(7) (RELATING TO NO LIMITATION  
29 APPLICABLE) IF THE INJURIES TO THE PLAINTIFF WERE CAUSED BY  
30 ACTIONS OR OMISSIONS OF THE COMMONWEALTH WHICH CONSTITUTE

1 GROSS NEGLIGENCE. SOVEREIGN IMMUNITY MAY BE RAISED TO THE  
2 EXTENT THE ACTIONS OR OMISSIONS OF THE COMMONWEALTH  
3 CONSTITUTE NEGLIGENCE.

4 § 8542. EXCEPTIONS TO GOVERNMENTAL IMMUNITY.

5 \* \* \*

6 (B) ACTS WHICH MAY IMPOSE LIABILITY.--THE FOLLOWING ACTS BY  
7 A LOCAL AGENCY OR ANY OF ITS EMPLOYEES MAY RESULT IN THE  
8 IMPOSITION OF LIABILITY ON A LOCAL AGENCY:

9 \* \* \*

10 (9) SEXUAL ABUSE.--CONDUCT WHICH IS PROSCRIBED BY THE  
11 PROVISIONS OF TITLE 18 (RELATING TO CRIMES AND OFFENSES)  
12 ENUMERATED IN SECTION 5551(7) (RELATING TO NO LIMITATION  
13 APPLICABLE) IF THE CLAIMANT ESTABLISHES THAT:

14 (I) THE LOCAL AGENCY ACTED IN A GROSSLY NEGLIGENT  
15 MANNER; AND

16 (II) THE ACTION UNDER SUBPARAGRAPH (I) CAUSED INJURY  
17 TO THE CLAIMANT.

18 \* \* \*

19 SECTION 4. THIS ACT SHALL APPLY AS FOLLOWS:

20 (1) THE ADDITION OF 42 PA.C.S. § 8542(B) (9) SHALL APPLY  
21 TO CAUSES OF ACTION WHICH ARISE ON OR AFTER THE EFFECTIVE  
22 DATE OF THIS PARAGRAPH.

23 (2) THE AMENDMENT OR ADDITION OF 42 PA.C.S. §§ 5533(b)  
24 (2) (i), 5551(7) and 5552(b.1) and (c) (3) shall not be applied  
25 to revive an action which has been barred by an existing  
26 statute of limitations on the effective date of this section.  
27 Section 5. This act shall take effect in 60 days.