

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 14 Session of
2021

INTRODUCED BY GREGORY, ROZZI, MILLARD, SANCHEZ, SCHLOSSBERG AND
SCHMITT, JANUARY 11, 2021

SENATOR K. WARD, RULES AND EXECUTIVE NOMINATIONS, IN SENATE, RE-
REPORTED AS AMENDED, MARCH 23, 2021

A JOINT RESOLUTION

1 Proposing an ~~EMERGENCY~~ amendment to the Constitution of the <--
2 Commonwealth of Pennsylvania, further providing for courts to
3 be open and suits against the Commonwealth.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby resolves as follows:

6 ~~Section 1. The following amendment to the Constitution of~~ <--
7 ~~Pennsylvania is proposed in accordance with Article XI:~~

8 ~~That Section 11 of Article I be amended to read:~~

9 ~~§ 11. Courts to be open; suits against the Commonwealth.~~

10 ~~(a) All courts shall be open; and every man for an injury~~
11 ~~done him in his lands, goods, person or reputation shall have~~
12 ~~remedy by due course of law, and right and justice administered~~
13 ~~without sale, denial or delay. Suits may be brought against the~~
14 ~~Commonwealth in such manner, in such courts and in such cases as~~
15 ~~the Legislature may by law direct.~~

16 ~~(b) An individual for whom a statutory limitations period~~
17 ~~has already expired shall have a period of two years from the~~

1 ~~time that this subsection becomes effective to commence an~~
2 ~~action arising from childhood sexual abuse, in such cases as~~
3 ~~provided by law at the time that this subsection becomes~~
4 ~~effective.~~

5 Section 2. ~~(a) Upon the first passage by the General~~
6 ~~Assembly of this proposed constitutional amendment, the~~
7 ~~Secretary of the Commonwealth shall proceed immediately to~~
8 ~~comply with the advertising requirements of section 1 of Article~~
9 ~~XI of the Constitution of Pennsylvania and shall transmit the~~
10 ~~required advertisements to two newspapers in every county in~~
11 ~~which such newspapers are published in sufficient time after~~
12 ~~passage of this proposed constitutional amendment.~~

13 ~~(b) Upon the second passage by the General Assembly of this~~
14 ~~proposed constitutional amendment, the Secretary of the~~
15 ~~Commonwealth shall proceed immediately to comply with the~~
16 ~~advertising requirements of section 1 of Article XI of the~~
17 ~~Constitution of Pennsylvania and shall transmit the required~~
18 ~~advertisements to two newspapers in every county in which such~~
19 ~~newspapers are published in sufficient time after passage of~~
20 ~~this proposed constitutional amendment. The Secretary of the~~
21 ~~Commonwealth shall submit this proposed constitutional amendment~~
22 ~~to the qualified electors of this Commonwealth at the first~~
23 ~~primary, general or municipal election which meets the~~
24 ~~requirements of and is in conformance with section 1 of Article~~
25 ~~XI of the Constitution of Pennsylvania and which occurs at least~~
26 ~~three months after the proposed constitutional amendment is~~
27 ~~passed by the General Assembly.~~

28 SECTION 1. ~~THE FOLLOWING SHALL APPLY:~~

<--

29 ~~(1) THE GENERAL ASSEMBLY FINDS AND DECLARES AS FOLLOWS:~~

30 ~~(I) A CONSTITUTIONAL AMENDMENT CREATING A TWO YEAR~~

1 ~~WINDOW FOR VICTIMS TO BRING CIVIL ACTIONS AGAINST THEIR~~
2 ~~ABUSERS UNENCUMBERED BY THE STATUTE OF LIMITATIONS, THE~~
3 ~~DOCTRINE OF SOVEREIGN IMMUNITY OR THE CAP ON DAMAGES~~
4 ~~PLACED ON LITIGATION AGAINST PUBLIC ENTITIES, WAS~~
5 ~~INITIALLY PASSED BY JOINT RESOLUTION 2 OF 2019 (P.L.835,~~
6 ~~J.R.2).~~

7 ~~(II) SECTION 1 OF ARTICLE XI OF THE CONSTITUTION OF~~
8 ~~PENNSYLVANIA REQUIRES AN AMENDMENT TO THE CONSTITUTION OF~~
9 ~~PENNSYLVANIA TO BE PASSED BY A MAJORITY IN EACH CHAMBER~~
10 ~~IN CONSECUTIVE LEGISLATIVE SESSIONS AND PUBLISHED BY THE~~
11 ~~SECRETARY OF THE COMMONWEALTH.~~

12 ~~(III) THE CONSTITUTIONAL AMENDMENT IN SUBPARAGRAPH~~
13 ~~(I) COULD BE SUBMITTED ON MAY 18, 2021, TO THE ELECTORS~~
14 ~~UPON PASSAGE IN THIS LEGISLATIVE SESSION BUT FOR THE~~
15 ~~FAILURE OF THE SECRETARY OF THE COMMONWEALTH TO PUBLISH~~
16 ~~CONSTITUTIONALLY REQUIRED NOTICE.~~

17 ~~(IV) THE SECRETARY'S FAILURE FRUSTRATES THE~~
18 ~~CONSTITUTIONAL AMENDMENT PROCESS; DENIES THE PEOPLE OF~~
19 ~~PENNSYLVANIA THEIR OPPORTUNITY TO HAVE THEIR VOICES HEARD~~
20 ~~IN AMENDING THEIR CONSTITUTION; AND, THREATENS THE VERY~~
21 ~~NATURE OF THE COMMONWEALTH'S REPUBLICAN FORM OF~~
22 ~~GOVERNMENT.~~

23 ~~(V) THE FAILURE UNDER SUBPARAGRAPH (III) REQUIRES~~
24 ~~SEVERAL ADDITIONAL YEARS TO REMEDY, PREVENTS THE~~
25 ~~AMENDMENT FROM BEING PRESENTED TO THE ELECTORS ON MAY 18,~~
26 ~~2021, AND IS AN ACT BEYOND THE CONTROL OF THE GENERAL~~
27 ~~ASSEMBLY AND OF THE CITIZENS AND, THEREFORE, CONSTITUTES~~
28 ~~AN EMERGENCY.~~

29 ~~(2) THE GENERAL ASSEMBLY HEREBY DETERMINES THAT THE~~
30 ~~DEPRIVATION OF THE RIGHTS GRANTED TO THE PEOPLE OF THIS~~

1 ~~COMMONWEALTH TO VOTE ON AN AMENDMENT TO PENNSYLVANIA'S~~
2 ~~CHARTERING DOCUMENT BY AN UNELECTED BUREAUCRAT CONSTITUTES A~~
3 ~~MAJOR EMERGENCY THAT THREATENS OR IS ABOUT TO THREATEN THIS~~
4 ~~COMMONWEALTH AND THE SAFETY OR WELFARE OF THIS COMMONWEALTH~~
5 ~~AND THEREFORE REQUIRES PROMPT AMENDMENT OF THE CONSTITUTION~~
6 ~~OF PENNSYLVANIA BY THIS CONSTITUTIONAL AMENDMENT.~~

7 ~~SECTION 2. THE FOLLOWING AMENDMENT TO THE CONSTITUTION OF~~
8 ~~PENNSYLVANIA IS PROPOSED IN ACCORDANCE WITH ARTICLE XI:~~

9 ~~THAT SECTION 11 OF ARTICLE I BE AMENDED TO READ:~~

10 ~~§ 11. COURTS TO BE OPEN; SUITS AGAINST THE COMMONWEALTH.~~

11 ~~(A) ALL COURTS SHALL BE OPEN; AND EVERY MAN FOR AN INJURY~~
12 ~~DONE HIM IN HIS LANDS, GOODS, PERSON OR REPUTATION SHALL HAVE~~
13 ~~REMEDY BY DUE COURSE OF LAW, AND RIGHT AND JUSTICE ADMINISTERED~~
14 ~~WITHOUT SALE, DENIAL OR DELAY. SUITS MAY BE BROUGHT AGAINST THE~~
15 ~~COMMONWEALTH IN SUCH MANNER, IN SUCH COURTS AND IN SUCH CASES AS~~
16 ~~THE LEGISLATURE MAY BY LAW DIRECT.~~

17 ~~(B) AN INDIVIDUAL FOR WHOM A STATUTORY LIMITATIONS PERIOD~~
18 ~~HAS ALREADY EXPIRED, OR WHOSE CLAIM WOULD OTHERWISE BE BARRED OR~~
19 ~~LIMITED BY A STATUTORY CAP ON DAMAGES, SOVEREIGN IMMUNITY OR BY~~
20 ~~GOVERNMENTAL OR OFFICIAL IMMUNITY, SHALL HAVE A PERIOD OF TWO~~
21 ~~YEARS, WITHOUT BAR OR LIMITATION BY SUCH CAPS OR IMMUNITIES,~~
22 ~~FROM THE TIME THAT THIS SUBSECTION BECOMES EFFECTIVE TO COMMENCE~~
23 ~~AN ACTION ARISING FROM CHILDHOOD SEXUAL ABUSE, IN SUCH CASES AS~~
24 ~~PROVIDED BY LAW AT THE TIME THAT THIS SUBSECTION BECOMES~~
25 ~~EFFECTIVE.~~

26 ~~SECTION 3. UPON PASSAGE BY THE GENERAL ASSEMBLY OF THIS~~
27 ~~PROPOSED CONSTITUTIONAL AMENDMENT, THE SECRETARY OF THE~~
28 ~~COMMONWEALTH SHALL PROCEED IMMEDIATELY TO COMPLY WITH THE~~
29 ~~ADVERTISING REQUIREMENTS OF SECTION 1(A) OF ARTICLE XI OF THE~~
30 ~~CONSTITUTION OF PENNSYLVANIA AND SHALL TRANSMIT THE REQUIRED~~

1 ~~ADVERTISEMENTS TO TWO NEWSPAPERS IN EVERY COUNTY IN WHICH SUCH~~
2 ~~NEWSPAPERS ARE PUBLISHED IN SUFFICIENT TIME AFTER PASSAGE OF~~
3 ~~THIS PROPOSED CONSTITUTIONAL AMENDMENT. THE SECRETARY OF THE~~
4 ~~COMMONWEALTH SHALL SUBMIT THIS PROPOSED CONSTITUTIONAL AMENDMENT~~
5 ~~TO THE QUALIFIED ELECTORS OF THIS COMMONWEALTH AT THE FIRST~~
6 ~~PRIMARY, GENERAL OR MUNICIPAL ELECTION WHICH MEETS THE~~
7 ~~REQUIREMENTS OF AND IS IN CONFORMANCE WITH SECTION 1(A) OF~~
8 ~~ARTICLE XI OF THE CONSTITUTION OF PENNSYLVANIA.~~

9 SECTION 1. THE FOLLOWING AMENDMENT TO THE CONSTITUTION OF <--
10 PENNSYLVANIA IS PROPOSED IN ACCORDANCE WITH ARTICLE XI:

11 THAT SECTION 11 OF ARTICLE I BE AMENDED TO READ:

12 § 11. COURTS TO BE OPEN; SUITS AGAINST THE COMMONWEALTH.

13 (A) ALL COURTS SHALL BE OPEN; AND EVERY MAN FOR AN INJURY
14 DONE HIM IN HIS LANDS, GOODS, PERSON OR REPUTATION SHALL HAVE
15 REMEDY BY DUE COURSE OF LAW, AND RIGHT AND JUSTICE ADMINISTERED
16 WITHOUT SALE, DENIAL OR DELAY. SUITS MAY BE BROUGHT AGAINST THE
17 COMMONWEALTH IN SUCH MANNER, IN SUCH COURTS AND IN SUCH CASES AS
18 THE LEGISLATURE MAY BY LAW DIRECT.

19 (B) AN INDIVIDUAL FOR WHOM A STATUTORY LIMITATIONS PERIOD
20 HAS ALREADY EXPIRED, OR WHOSE CLAIM WOULD OTHERWISE BE BARRED OR
21 LIMITED BY A STATUTORY CAP ON DAMAGES, SOVEREIGN IMMUNITY OR BY
22 GOVERNMENTAL OR OFFICIAL IMMUNITY, SHALL HAVE A PERIOD OF TWO
23 YEARS, WITHOUT BAR OR LIMITATION BY SUCH CAPS OR IMMUNITIES,
24 FROM THE TIME THAT THIS SUBSECTION BECOMES EFFECTIVE TO COMMENCE
25 AN ACTION ARISING FROM CHILDHOOD SEXUAL ABUSE, IN SUCH CASES AS
26 PROVIDED BY LAW AT THE TIME THAT THIS SUBSECTION BECOMES
27 EFFECTIVE.

28 SECTION 2. (A) UPON THE FIRST PASSAGE BY THE GENERAL
29 ASSEMBLY OF THIS PROPOSED CONSTITUTIONAL AMENDMENT, THE
30 SECRETARY OF THE COMMONWEALTH SHALL PROCEED IMMEDIATELY TO

1 COMPLY WITH THE ADVERTISING REQUIREMENTS OF SECTION 1 OF ARTICLE
2 XI OF THE CONSTITUTION OF PENNSYLVANIA AND SHALL TRANSMIT THE
3 REQUIRED ADVERTISEMENTS TO TWO NEWSPAPERS IN EVERY COUNTY IN
4 WHICH SUCH NEWSPAPERS ARE PUBLISHED IN SUFFICIENT TIME AFTER
5 PASSAGE OF THIS PROPOSED CONSTITUTIONAL AMENDMENT.

6 (B) UPON THE SECOND PASSAGE BY THE GENERAL ASSEMBLY OF THIS
7 PROPOSED CONSTITUTIONAL AMENDMENT, THE SECRETARY OF THE
8 COMMONWEALTH SHALL PROCEED IMMEDIATELY TO COMPLY WITH THE
9 ADVERTISING REQUIREMENTS OF SECTION 1 OF ARTICLE XI OF THE
10 CONSTITUTION OF PENNSYLVANIA AND SHALL TRANSMIT THE REQUIRED
11 ADVERTISEMENTS TO TWO NEWSPAPERS IN EVERY COUNTY IN WHICH SUCH
12 NEWSPAPERS ARE PUBLISHED IN SUFFICIENT TIME AFTER PASSAGE OF
13 THIS PROPOSED CONSTITUTIONAL AMENDMENT. THE SECRETARY OF THE
14 COMMONWEALTH SHALL SUBMIT THIS PROPOSED CONSTITUTIONAL AMENDMENT
15 TO THE QUALIFIED ELECTORS OF THIS COMMONWEALTH AT THE FIRST
16 PRIMARY, GENERAL OR MUNICIPAL ELECTION WHICH MEETS THE
17 REQUIREMENTS OF AND IS IN CONFORMANCE WITH SECTION 1 OF ARTICLE
18 XI OF THE CONSTITUTION OF PENNSYLVANIA AND WHICH OCCURS AT LEAST
19 THREE MONTHS AFTER THE PROPOSED CONSTITUTIONAL AMENDMENT IS
20 PASSED BY THE GENERAL ASSEMBLY.