
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1046 Session of
2013

INTRODUCED BY ROZZI, GALLOWAY, MCGEEHAN, SIMS, HAGGERTY, GAINNEY,
STEPHENS, V. BROWN, MAHONEY, BARRAR, CARROLL, SWANGER,
SANTARSIERO, O'BRIEN, THOMAS, ROEBUCK, COHEN AND FLYNN,
MARCH 21, 2013

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 21, 2013

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

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

8 § 5533. Infancy, insanity or imprisonment.

9 * * *

10 (b) Infancy.--

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

1 subchapter.

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

5 (2) (i) If an individual entitled to bring a civil
6 action arising from childhood sexual abuse is under 18
7 years of age at the time the cause of action accrues, the
8 individual shall have a period of [12] 32 years after
9 attaining 18 years of age in which to commence an action
10 for damages regardless of whether the individual files a
11 criminal complaint regarding the childhood sexual abuse.

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

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

23 (B) deviate sexual intercourse, which includes
24 sexual intercourse per os or per anus; and

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

29 (iii) For purposes of this paragraph, "forcible
30 compulsion" shall have the meaning given to it in 18

1 Pa.C.S. § 3101 (relating to definitions).

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