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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1913 Session of  
2015

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INTRODUCED BY ROZZI, V. BROWN, YOUNGBLOOD, MURT, D. PARKER,  
KINSEY, THOMAS, D. MILLER, DEAN, BARRAR, O'BRIEN, GERGELY,  
MCNEILL AND MAHONEY, MARCH 22, 2016

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REFERRED TO COMMITTEE ON JUDICIARY, MARCH 22, 2016

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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 civil action arising from childhood  
4 sexual abuse; and, in matters affecting government units,  
5 further providing for exceptions to sovereign immunity and  
6 governmental immunity.

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

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

11 § 5533. Infancy, insanity or imprisonment.

12 \* \* \*

13 (b) Infancy.--

14 \* \* \*

15 (2) (i) If an individual entitled to bring a civil  
16 action arising from childhood sexual abuse is under 18  
17 years of age at the time the cause of action accrues, the  
18 individual shall have [a]:

19 (A) A period of 12 years after attaining 18

1 years of age in which to commence an action for  
2 damages regardless of whether the individual files a  
3 criminal complaint regarding the childhood sexual  
4 abuse.

5 (B) Notwithstanding the provisions of clause (A)  
6 or any other provision of law to the contrary, in the  
7 case of an individual entitled to bring a civil  
8 action arising from childhood sexual abuse where the  
9 12-year period in clause (A) has expired, the  
10 individual shall have an additional period of two  
11 years from the effective date of this clause to  
12 commence an action.

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

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

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

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

30 (iii) For purposes of this paragraph, "forcible

1           compulsion" shall have the meaning given to it in 18  
2           Pa.C.S. § 3101 (relating to definitions).

3           Section 2. Sections 8522(b) and 8542(b) of Title 42 are  
4 amended by adding paragraphs to read:

5 § 8522. Exceptions to sovereign immunity.

6           \* \* \*

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

11           \* \* \*

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

17 § 8542. Exceptions to governmental immunity.

18           \* \* \*

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

22           \* \* \*

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

28           \* \* \*

29           Section 3. This act shall take effect immediately.