
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1350 Session of
2014

INTRODUCED BY TEPLITZ, STACK, FONTANA, HUGHES, WILLIAMS AND
FARNESE, JUNE 12, 2014

REFERRED TO JUDICIARY, JUNE 12, 2014

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
20 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 years after
9 attaining 18 years of age in which to] may commence an
10 action for damages at any time regardless of whether the
11 individual files a criminal complaint regarding the
12 childhood sexual abuse.

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

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

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

1 following exist:

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

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

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

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

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

15 § 5551. No limitation applicable.

16 A prosecution for the following offenses may be commenced at
17 any time:

18 * * *

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

23 Section 3121 (relating to rape).

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

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

28 Section 3124.1 (relating to sexual assault).

29 Section 3125 (relating to aggravated indecent
30 assault).

1 Section 3126 (relating to indecent assault).
2 Section 3127 (relating to indecent exposure).
3 Section 4302 (relating to incest).
4 Section 4304 (relating to endangering welfare of
5 children).
6 Section 6301 (relating to corruption of minors).
7 Section 6312(b) (relating to sexual abuse of
8 children).
9 Section 6320 (relating to sexual exploitation of
10 children).

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

13 § 5552. Other offenses.

14 * * *

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

18 * * *

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

26 Section 3121 (relating to rape).

27 Section 3122.1 (relating to statutory sexual
28 assault).

29 Section 3123 (relating to involuntary deviate sexual
30 intercourse).

1 Section 3124.1 (relating to sexual assault).
2 Section 3125 (relating to aggravated indecent
3 assault).
4 Section 3126 (relating to indecent assault).
5 Section 3127 (relating to indecent exposure).
6 Section 4302 (relating to incest).
7 Section 4304 (relating to endangering welfare of
8 children).
9 Section 6301 (relating to corruption of minors).
10 Section 6312(b) (relating to sexual abuse of
11 children).
12 Section 6320 (relating to sexual exploitation of
13 children).]

14 * * *

15 Section 4. Sections 8522(b) and 8542(b) of Title 42 are
16 amended by adding paragraphs to read:
17 § 8522. Exceptions to sovereign immunity.

18 * * *

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

23 * * *

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

29 § 8542. Exceptions to governmental immunity.

30 * * *

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

4 * * *

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

10 * * *

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

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