

## No. 2002-86

## AN ACT

## SB 212

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for seal and for tolling the civil statute of limitations in childhood sexual abuse cases and criminal statute of limitations for certain sexual offenses.

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

Section 1. Sections 1512 and 5533(b) of Title 42 of the Pennsylvania Consolidated Statutes are amended to read:

§ 1512. Seal.

Each magisterial district shall have a seal, which shall be in the custody of the district justice elected or appointed for such district. The official acts of the district justice shall be authenticated therewith. There shall be engraved on the seal such inscription as may be specified by general rule. *A facsimile or preprinted seal may be used for all purposes in lieu of the original seal.*

§ 5533. Infancy, insanity or imprisonment.

\* \* \*

(b) Infancy.—

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

(ii) As used in this [subsection] *paragraph*, the term “minor” shall mean any individual who has not yet attained [the age of 18.] *18 years of age.*

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

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

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

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

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

*(iii) For purposes of this paragraph, "forcible compulsion" shall have the meaning given to it in 18 Pa.C.S. § 3101 (relating to definitions).*

Section 2. Section 5552(b)(1) and (c) of Title 42 are amended and the section is amended by adding a subsection to read:

§ 5552. Other offenses.

\* \* \*

(b) Major offenses.—A prosecution for any of the following offenses must be commenced within five years after it is committed:

(1) Under the following provisions of Title 18 (relating to crimes and offenses):

Section 901 (relating to criminal attempt) involving attempt to commit murder where no murder occurs.

Section 902 (relating to criminal solicitation) involving solicitation to commit murder where no murder occurs.

Section 903 (relating to criminal conspiracy) involving conspiracy to commit murder where no murder occurs.

Section 911 (relating to corrupt organizations).

Section 2702 (relating to aggravated assault).

Section 2706 (relating to terroristic threats).

Section 2713 (relating to neglect of care-dependent person).

Section 2901 (relating to kidnapping).

[Section 3121 (relating to rape).

Section 3122.1 (relating to statutory sexual assault).

Section 3123 (relating to involuntary deviate sexual intercourse).

Section 3124.1 (relating to sexual assault).

Section 3125 (relating to aggravated indecent assault).]

Section 3301 (relating to arson and related offenses).

Section 3502 (relating to burglary).

Section 3701 (relating to robbery).

Section 3921 (relating to theft by unlawful taking or disposition) through section 3933 (relating to unlawful use of computer).

Section 4101 (relating to forgery).

Section 4107 (relating to deceptive or fraudulent business practices).

Section 4108 (relating to commercial bribery and breach of duty to act disinterestedly).

Section 4109 (relating to rigging publicly exhibited contest).

Section 4117 (relating to insurance fraud).

**[Section 4302 (relating to incest).]**

Section 4701 (relating to bribery in official and political matters) through section 4703 (relating to retaliation for past official action).

Section 4902 (relating to perjury) through section 4912 (relating to impersonating a public servant).

Section 4952 (relating to intimidation of witnesses or victims).

Section 4953 (relating to retaliation against witness or victim).

Section 5101 (relating to obstructing administration of law or other governmental function).

Section 5111 (relating to dealing in proceeds of unlawful activities).

Section 5512 (relating to lotteries, etc.) through section 5514 (relating to pool selling and bookmaking).

Section 5902(b) (relating to prostitution and related offenses).

**[Section 6312 (relating to sexual abuse of children).]**

\* \* \*

***(b.1) Major sexual offenses.—A prosecution for any of the following offenses must be commenced within 12 years after it is committed:***

***Section 3121 (relating to rape).***

***Section 3122.1 (relating to statutory sexual assault).***

***Section 3123 (relating to involuntary deviate sexual intercourse).***

***Section 3124.1 (relating to sexual assault).***

***Section 3125 (relating to aggravated indecent assault).***

***Section 4302 (relating to incest).***

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

**(c) Exceptions.—If the period prescribed in subsection (a) [or subsection], (b) or (b.1) has expired, a prosecution may nevertheless be commenced for:**

**(1) Any offense a material element of which is either fraud or a breach of fiduciary obligation within one year after discovery of the offense by an aggrieved party or by a person who has a legal duty to represent an aggrieved party and who is himself not a party to the offense, but in no case shall this paragraph extend the period of limitation otherwise applicable by more than three years.**

**(2) Any offense committed by a public officer or employee in the course of or in connection with his office or employment at any time when the defendant is in public office or employment or within five years thereafter, but in no case shall this paragraph extend the period of limitation otherwise applicable by more than eight years.**

**(3) Any sexual offense committed against a minor who is less than 18 years of age any time up to the period of limitation provided by law after the minor has reached 18 years of age. As used in this paragraph, the**

term "sexual offense" means a crime under the following provisions of Title 18 (relating to crimes and offenses):

Section 3121 (relating to rape).

[Section 3122 (relating to statutory rape).]

*Section 3122.1 (relating to statutory sexual assault).*

Section 3123 (relating to involuntary deviate sexual intercourse).

[Section 3124 (relating to voluntary deviate sexual intercourse).]

*Section 3124.1 (relating to sexual assault).*

Section 3125 (relating to aggravated indecent assault).

Section 3126 (relating to indecent assault).

Section 3127 (relating to indecent exposure).

Section 4302 (relating to incest).

Section 4304 (relating to endangering welfare of children).

Section 6301 (relating to corruption of minors).

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

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Section 3. The amendment of 42 Pa.C.S. § 5533(b) shall not be applied to revive an action which has been barred by an existing statute of limitations on the effective date of this act.

Section 4. This act shall take effect in 60 days.

APPROVED—The 28th day of June, A.D. 2002.

MARK S. SCHWEIKER