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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1446 Session of  
2015

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INTRODUCED BY MURT, ROZZI, COHEN, KINSEY, THOMAS, DAVIS,  
O'BRIEN, McNEILL, ZIMMERMAN, TAYLOR, ROEBUCK, RAPP, SCHREIBER  
AND PETRI, JULY 9, 2015

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REFERRED TO COMMITTEE ON JUDICIARY, JULY 9, 2015

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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.

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

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

9 § 5533. Infancy, insanity or imprisonment.

10 \* \* \*

11 (b) Infancy.--

12 \* \* \*

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

17 (A) A period of 12 years after attaining 18  
18 years of age in which to commence an action for

1 damages regardless of whether the individual files a  
2 criminal complaint regarding the childhood sexual  
3 abuse.

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

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[.]; and

29 (D) being filmed or depicted in a photograph or  
30 videotape, on a computer or in a book, magazine,

1           pamphlet, slide or other material, committing  
2           prohibited sexual acts or simulated prohibited sexual  
3           acts as defined in 18 Pa.C.S. § 6312 (relating to  
4           sexual abuse of children). This clause constitutes  
5           "childhood sexual abuse" for purposes of this  
6           subparagraph even if no other person but the minor or  
7           other minors are filmed or depicted.

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

11         Section 2. This act shall take effect immediately.