
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2 Session of
2023

INTRODUCED BY ROZZI, McCLINTON, BRADFORD, D. MILLER, T. DAVIS,
SCHLOSSBERG, KRUEGER, HARRIS AND BIZZARRO, MARCH 1, 2023

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 1, 2023

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in limitation of time,
3 further providing for infancy, insanity or imprisonment; in
4 matters affecting government units, further providing for
5 exceptions to sovereign immunity and for exceptions to
6 governmental immunity; and making a repeal.

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 and the section is amended by
11 adding subsections to read:

12 § 5533. Infancy, insanity or imprisonment.

13 * * *

14 (b) Infancy.--

15 (1) [(i)] If an individual entitled to bring a civil
16 action is an unemancipated minor at the time the cause of
17 action accrues, the period of minority shall not be
18 deemed a portion of the time period within which the
19 action must be commenced. Such person shall have the same
20 time for commencing an action after attaining majority as

1 is allowed to others by the provisions of this
2 subchapter.

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

6 (2) (i) If an individual entitled to bring a civil
7 action arising from sexual abuse is under 18 years of age
8 at the time the cause of action accrues, the individual
9 shall have a period of 37 years after attaining 18 years
10 of age in which to commence an action for damages
11 regardless of whether the individual files a criminal
12 complaint regarding the sexual abuse.

13 (i.1) If an individual entitled to bring a civil
14 action arising from sexual abuse is at least 18 and less
15 than 24 years of age at the time the cause of action
16 occurs, the individual shall have until attaining 30
17 years of age to commence an action for damages regardless
18 of whether the individual files a criminal complaint
19 regarding the sexual abuse.

20 [(ii) For the purposes of this paragraph, the term
21 "sexual abuse" shall include, but not be limited to, the
22 following sexual activities between an individual who is
23 23 years of age or younger and an adult, provided that
24 the individual bringing the civil action engaged in such
25 activities as a result of forcible compulsion or by
26 threat of forcible compulsion which would prevent
27 resistance by a person of reasonable resolution:

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

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

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

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

10 (c) Temporary window to file claims.--Notwithstanding
11 subsection (b) or any other provision of law to the contrary,
12 for an individual entitled to bring a civil action arising from
13 sexual abuse if the individual was under 18 years of age at the
14 time the cause of action accrued, and if the limitation period
15 for that cause of action has expired, the civil action is
16 revived and the individual shall have an additional period of
17 two years from the effective date of this subsection to commence
18 an action.

19 (d) Definitions.--As used in this section, the following
20 words and phrases shall have the meanings given to them in this
21 subsection unless the context clearly indicates otherwise:

22 "Forcible compulsion." As defined in 18 Pa.C.S. § 3101
23 (relating to definitions).

24 "Minor." An individual who has not yet attained 18 years of
25 age.

26 "Sexual abuse." The term shall include, but not be limited
27 to, the following sexual activities between an individual who is
28 23 years of age or younger and an adult, provided that the
29 individual bringing the civil action engaged in such activities
30 as a result of forcible compulsion or by threat of forcible

1 compulsion which would prevent resistance by a person of
2 reasonable resolution:

3 (1) sexual intercourse, which includes penetration,
4 however slight, of any body part or object into the sex organ
5 of another;

6 (2) deviate sexual intercourse, which includes sexual
7 intercourse per os or per anus; and

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

11 Section 2. Sections 8522(b)(10) and 8542(b)(9) of Title 42
12 are amended to read:

13 § 8522. Exceptions to sovereign immunity.

14 * * *

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

19 * * *

20 (10) Sexual abuse.--The following shall apply:

21 (i) Conduct which constitutes an offense enumerated
22 under section 5551(7) (relating to no limitation
23 applicable) if the injuries to the plaintiff were caused
24 by actions or omissions of the Commonwealth party which
25 constitute negligence.

26 (ii) This paragraph shall apply retroactively to a
27 cause of action that arose prior to the effective date of
28 this subparagraph and prospectively to a cause of action
29 that arises after the effective date of this
30 subparagraph.

1 § 8542. Exceptions to governmental immunity.

2 * * *

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

6 * * *

7 (9) Sexual abuse.--The following shall apply:

8 (i) Conduct which constitutes an offense enumerated
9 under section 5551(7) (relating to no limitation
10 applicable) if the injuries to the plaintiff were caused
11 by actions or omissions of the local agency which
12 constitute negligence.

13 (ii) This paragraph shall apply retroactively to a
14 cause of action that arose prior to the effective date of
15 this subparagraph and prospectively to a cause of action
16 that arises after the effective date of this
17 subparagraph.

18 * * *

19 Section 3. This act shall apply as follows:

20 (1) The addition of 42 Pa.C.S. § 5533(c) shall apply to
21 revive an action that was barred by an existing statute of
22 limitations on the effective date of this section.

23 (2) The amendment of 42 Pa.C.S. §§ 8522 (b)(10) and 8542
24 (b)(9) shall apply retroactively to an action where the
25 limitations period has not expired prior to the effective
26 date of this section.

27 (3) The amendment of 42 Pa.C.S. §§ 8522(b)(10) and 8542
28 (b)(9) shall apply to an action subject to 42 Pa.C.S. §
29 5533(c) that was barred by an existing statute of limitations
30 on the effective date of this section.

1 Section 4. Nothing in this act shall permit the application
2 of the addition of 42 Pa.C.S. § 5533(c) to an action:

3 (1) that is subject to a final judgment which, on the
4 effective date of this section, is not subject to appeal; or

5 (2) that, on the effective date of this section, has
6 been nonjudicially resolved in its entirety by the parties,
7 in a form which is enforceable.

8 Section 4.1. The Supreme Court of Pennsylvania shall have
9 extraordinary jurisdiction to hear a challenge to or to render a
10 declaratory judgment concerning the constitutionality of this
11 act. The Supreme Court of Pennsylvania may take action as it
12 deems appropriate, consistent with the Supreme Court retaining
13 jurisdiction over the matter, to find facts or to expedite a
14 final judgment in connection with the challenge or request for
15 declaratory relief.

16 Section 4.2. The provisions of this act are nonseverable. If
17 any provision of this act or its application to any person or
18 circumstance is held invalid, the remaining provisions or
19 applications of this act are void.

20 Section 5. Repeals are as follows:

21 (1) The General Assembly declares that the repeal under
22 paragraph (2) is necessary to effectuate the amendment of 42
23 Pa.C.S. §§ 8522(b)(10) and 8542(b)(9).

24 (2) Section 10(3)(ii) of the act of November 26, 2019
25 (P.L.641, No.87), is repealed insofar as the section applies
26 to 42 Pa.C.S. §§ 8522(b)(10) and 8542(b)(9).

27 Section 6. This act shall take effect immediately.