



# HOUSE COMMITTEE ON APPROPRIATIONS

## FISCAL NOTE

HOUSE BILL NO. 962

PRINTERS NO. 2938

PRIME SPONSOR: Rozzi

### COST / (SAVINGS)

FUND	FY 2019/20	FY 2020/21
General Fund	See Fiscal Impact	See Fiscal Impact

### SUMMARY:

House Bill 962, Printer's Number 2938 amends Title 42 (Judiciary and Judicial Procedure) by amending Chapter 55 (Limitation of time), Sections 5522 (Six months limitation), 5533 (Infancy, insanity or imprisonment), 5551 (No limitation applicable), 5552 (Other offenses); Chapter 85 (Matters affecting government units), Sections 8522 (Exceptions to sovereign immunity), 8528 (Limitations on damages), 8542 (Exceptions to governmental immunity) and 8553 (Limitations on damages); and Chapter 97 (Sentencing), Subchapter C (Sentencing Alternatives), Section 9730.3 (Counseling services for victims of sexual abuse) concerning the statute of limitations for childhood sexual abuse.

### ANALYSIS:

HB 962 amends the Judicial Code as it relates to civil proceedings providing that an individual under the age of 18 is entitled to commence civil action arising from sexual abuse for a period of 37 years after reaching 18 years old. An individual that is at least 18 years of age and less than 24 years of age may bring a civil proceeding arising from sexual abuse and the individual will have until they reach the age of 30 for commence action, regardless of the filing of criminal complaints.

The legislation amends the Judicial Code by eliminating the statute of limitations for criminal proceedings by adding the following Title 18 (Crimes and Offenses) offenses, if the victim was under 18 years of age at the time of the offense, as follows:

- Section 3011 (b) (relating to trafficking in individuals),
- Section 3012 (relating to involuntary servitude) as it relates to sexual servitude,
- 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 3124.2 (relating to institutional sexual assault),
- Section 3125 (relating to aggravated indecent assault), or
- Section 4302 (Relating to incest).

The statute of limitations is eliminated for criminal proceedings for certain Title 18 conspiracy or solicitation offenses, if the victim was 23 years of age or younger at the time of the offense. Those offenses are as follows:

- Section 3011 (a) (relating to trafficking in individuals),
- Section 3012 (relating to involuntary servitude) as it relates to sexual servitude,
- Section 3121 (a) and (b) (relating to rape),
- Section 3123 (a) (relating to involuntary deviate sexual intercourse),
- Section 3124.1 (Relating to sexual assault),
- Section 3124.2 (a) and (b) (relating to institutional sexual assault); or
- Section 4302 (a) (Relating to incest).

Section 5552 is amended to allow for an increase to the statute of limitations by five years for certain offenses committed against a child under the age of 18. Section 5552 is amended with a new subsection (3.1) to provide that any sexual offense committed against an individual who is 23 years of age or younger, the statute of limitations is the date the individual reaches 55 years of age. Under this subsection, the term "sexual offense" means a crime under Title 18 or a conspiracy or solicitation to commit an offense under Section 3126 (Indecent assault) or Section 3127 (Indecent exposure).

Chapter 85 (Matters affecting government units), Sections 8522, 8528, 8542 and 8553 are amended to provide that sovereign and governmental immunity shall not apply with respect to offenses committed under the Section 5551 (7) , if the conduct of the entity that caused injury to the plaintiff constitutes gross negligence. In addition, the Sections are amended to reflect when there are limitations placed on awards for damages.

Chapter 97 (Sentencing), Subchapter C (Sentencing Alternatives) is amended by adding a new Section 9730.3 (Counseling services for victims of sexual abuse) to provide an individual who is a direct victim of sexual abuse, which occurred in this Commonwealth, with counseling services related to the sexual abuse and payment for services to a health care provider will be made from the Crime's Victim Compensation Fund. The total value of the services provided will be capped and will not exceed \$5,000 for an individual who at the time of the sexual abuse was 18 years of age or older; and \$10,000 the for an individual who at the time of sexual abuse was under the age of 18. The total value of services provided to an individual will be reduced by an amount of certain payments received or made by the individual for counseling services as a result of sexual abuse.

This legislation will take effect upon the first passage in both chambers of House Bill 963, Printer's Number 1130 (2019).

**FISCAL IMPACT:**

According to the Pennsylvania Commission on Crime and Delinquency (PCCD), the average cost to pay a claim for counseling services for a minor/adult victim of sexual abuse is approximately \$1,140 annually. Section 8.2 of the legislation requires that upon enactment the sum of \$5,000,000 will be transferred from the General Fund to the Crime Victim's Compensation Fund. PCCD anticipates that this transfer of \$5,000,000 will cover any costs associated with implementation of the provisions of 42 Pa. C. S. §9730.3 (a)(1) for counseling services for the duration of Fiscal Year 2019-20 and Fiscal Year 2020-21. In fiscal years

beginning after June 30, 2021, the General Assembly shall appropriate money to implement Pa. C. S. §9730.3 (a)(1).

Removal of the statute of limitations for criminal offenses for certain sexual abuse offenses may result in an impact to Commonwealth funds. However, any potential impact would be contingent on the successful prosecution, conviction and sentencing of the offenses to state correctional facilities. Therefore, any estimate of fiscal impact is indeterminable.

Enactment of this legislation could have a fiscal impact on Commonwealth and local governments by exposing them to civil lawsuits concerning sexual abuse that are currently barred based on sovereign immunity. However, this would depend on the number of suits that result in damages and the size of any damage awards, which are impossible to estimate at this time.

**PREPARED BY:** Jenny P. Stratton  
House Appropriations Committee (R)

**DATE:** November 21, 2019

*Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*