



Fact Check: Childhood Sexual Abuse Statute of Limitations

This chart reflects the positions of the Pennsylvania General Assembly related to reforming the statute of limitations (SOLs) for childhood sexual abuse during the 2015-2016 legislative session. The General Assembly has used House Bill 1947 as the vehicle for SOL reforms. While there are stark differences between the Pennsylvania Senate and the Pennsylvania House of Representatives with regard to a retroactive civil provision in state law (e.g., applying an extended civil SOL retroactively or creating a 2-year “window” for once previously barred civil claims), there is also significant agreement overall between the PA House and the PA Senate on reforming the SOLs for childhood sexual abuse.

2015-2016 Legislative Session	PA House Approved 180 - 15 ¹	PA Senate Approved 49 - 0 ²
<p>Criminal SOL Eliminated Prospectively applied to offenses of rape, statutory sexual assault, involuntary deviate sexual intercourse, institutional sexual assault, aggravated indecent assault, incest, trafficking in individuals, and involuntary servitude as it relates to sexual servitude against an individual who is under the age of 18 at the time of the offense. The PA Senate would have also included conspiracy or solicitation to facilitate the above mentioned offenses and the victim was under the age of 18.</p>	✓	✓
<p>Civil SOL Eliminated Going forward, the civil SOL would be eliminated for civil claims to be pursued against the following individuals: 1) person who committed the childhood sexual abuse, or 2) a person who conspired with another to bring about the abuse, or 3) a person having “actual knowledge” that failed to file a report with law enforcement or a county children and youth agency.</p>		✓
<p>Civil SOL Extended to Age 50 Going forward, victims of childhood sexual abuse would have until their 50th birthday to file a civil claim against individuals and institutions.</p>	✓	✓
<p>Creating a 2-year “window” so that adult survivors of past acts of childhood sexual abuse (previously barred by a civil SOL regardless the age of the survivor) can initiate a civil claim.</p>		
<p>Providing adult survivors of past acts of childhood sexual abuse (previously barred by a civil SOL and who are 50 or younger) with a legal path to pursue civil justice.</p>	✓	
<p>Sovereign and Governmental Immunity Waived The PA House would require that the state or local agency acted w/gross negligence, while the PA Senate would set the bar at negligence.</p>	✓	✓

¹ Vote on House Bill 1947 (PN 3163) http://www.legis.state.pa.us/CFDOCS/Legis/RC/Public/rc_view_action2.cfm?sess_yr=2015&sess_ind=0&rc_body=H&rc_nbr=1302

² Vote on House Bill 1947 (PN 3667) http://www.legis.state.pa.us/CFDOCS/Legis/RC/Public/rc_view_action2.cfm?sess_yr=2015&sess_ind=0&rc_body=S&rc_nbr=616