

Statute of Limitations Reform

Act 87 of 2019

PCAR is grateful to the victims, survivors, and stakeholders who led this decade-long advocacy effort to reform the statutes of limitations in Pennsylvania. A number of grand jury reports since 2005 have significantly influenced these efforts, with recommendations for the removal of the statute of limitations in child sexual abuse cases. Act 87 addresses recommendations from these grand jury reports, including these four from the most recent (2016) [report](#):



- 1 **Eliminate** and extend the criminal and civil statutes of limitation for victims going forward.
- 2 **Establish** a one-time, retroactive window for time-barred victims to seek civil remedies for abuse that occurred in the past.¹
- 3 **Strengthen** penalties for failing to comply with mandated reporting of child abuse.
- 4 **Prohibit** non-disclosure agreements that restrict victims from talking with law enforcement.

While a package of bills addressing these four recommendations passed in the PA General Assembly in 2019, the focus of this resource is on House Bill 962 (Rozzi), which is now Act 87 of 2019.

Summary of the new law

With the passage of House Bill 962, criminal and civil statutes of limitation have been extended for certain sex crimes. The new law took effect when Governor Tom Wolf signed it, on November 26, 2019. This means there will be more time to prosecute and file civil claims against people who commit certain sex crimes—going forward. Victims may have more time to seek justice and remedies within the criminal and civil realms.

Civil Statutes of Limitations

Going forward, the civil statute of limitations has been extended to age 55 for individuals who were sexually abused under the age of 18. The civil statute of limitations has also been extended to young adults who were sexually abused between the ages of 18 and 23, giving them until the age of 30 to file civil action.

¹House Bill 963 (Gregory) would amend the Pennsylvania State Constitution to create a retroactive window for victims to file civil claims for assaults that occurred in the past and that are now time-barred due to expired statute of limitations. To become law, this bill must pass the next legislative session (which starts in 2021) before going to voters on a ballot.

Criminal Statutes of Limitations

Going forward:

- **If the victim is under the age of 18** at the time of an assault under these crimes, there is no statute of limitation: trafficking, involuntary sexual servitude, rape, statutory assault, involuntary deviate sexual intercourse (IDSI), sexual assault, institutional sexual assault, aggravated indecent assault, and incest.
- **If the victim is under the age of 18** at the time of an assault under these crimes, they have until age 55 to seek remedies (it used to be until previously age 50): indecent assault, indecent exposure, endangering welfare of a child, corruption of minors, sexual abuse of children, and sexual exploitation of children.
- **If the victim is between the ages of 18 and 23** at the time of an assault under these crimes, they have 20 years from the date of the offense to seek remedies: sexual servitude, rape, IDSI, sexual assault, institutional sexual assault, aggravated indecent assault, indecent assault, indecent exposure, incest.
- **If the victim is 24 years old or older** at the time of the assault, have 12 years from the date of the offense to seek remedies.

Other aspects of the new law

- To address economic barriers to accessing counseling services, a counseling fund has been established through the Crime Victims Compensation Fund. This fund will reimburse counselors and therapists who provide outpatient counseling services to victims of sexual assault.
- The criminal statute of limitations has been eliminated in cases where actions or omissions of the Commonwealth or local agency constitute negligence.
- Public institutions in Pennsylvania can be held accountable to the same degree as private institutions in cases where actions or omissions of the Commonwealth or local agency constitute negligence.
- Evidence obtained through online ancestry DNA programs can be used by prosecutors to identify an individual as a perpetrator.

How advocates can help

It is common for people who have been sexually abused to wait months, years, or decades before discussing what was done to them with anyone, let alone making a formal report to authorities. Likewise, survivors often shoulder the burden of costs associated with the abuse they experienced. This reform provides the opportunity for survivors to shift those costs back on to the person who abused them or even onto organizations that failed to keep them safe.

This reform allows survivors additional time to come forward about the abuse, harassment, or assault they experienced as children. Yet victims who are still time-barred may be agonizing as they wait for House Bill 963 to become law. It is critical that all survivors have the support they need as they navigate their legal, economic, and therapeutic options.

Advocates play an important role in supporting victims and providing accurate information about laws and options. The following are steps advocates can take to aid in the implementation of this important new law.

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In your organization

- 1 Discuss the new law during staff and team meetings to help build awareness and understanding of new options available to victims and survivors—invite PCAR or your local District Attorney to join a staff meeting to discuss this new law with your organization.
- 2 Integrate new laws and options into direct services through hotline, counseling, and therapy services.
- 3 Support survivors in navigating their criminal, civil, counseling, victims compensation and assistance program, and other options.
- 4 Connect survivors to legal assistance in your organization, or through PCAR’s free Sexual Violence Legal Assistance Program (717-901-6784).

In your community

- 1 Collaborate with local prosecutors, police officers, medical providers, and other partners to ensure successful implementation of this new law.
- 2 Provide training and educational programs on victim-centered prosecution and the role of victim advocates in civil and criminal proceedings.
- 3 Ensure that you identify and refer to private therapists in the community who specialize and are trained in helping victims of sexual trauma, if your agency cannot offer longer-term clinical therapeutic services.

In the legislature

While there is continued advocacy for a single, time-limited opportunity, or “window,” for survivors to bring civil action, it is important for advocates to understand that this is not currently in effect. This retroactive window will be established by amending the Pennsylvania State Constitution and therefore must pass a second consecutive legislative session and then be placed on the ballot for voters.

For more information about legislative advocacy, please contact Donna Greco, PCAR’s policy director: 717-728-9740, x114 or dgreco@pcar.org.

Read the full text of Act 87:

<https://www.legis.state.pa.us/cfdocs/legis/li/uconsCheck.cfm?yr=2019&sessInd=0&act=087>

About sexual assault counseling claims:

<https://www.pccd.pa.gov/Victim-Services/Documents/Sexual%20Assault%20Counseling%20Claim%20Fact%20Sheet.pdf>

Counseling claim form:

<https://www.pccd.pa.gov/Victim-Services/Documents/Claim%20form.pdf>

