



Know the Basics

Statute of limitations set the maximum time after an event for an individual to bring forth legal proceedings.

Criminal suits are prosecuted by the government where often punishment of punitive measures are sought. Typically, **civil** suits are disputes between two parties where financial reimbursements and accountability in court are the common remedy. The standard of proof is quite different - generally, criminal cases must prove "beyond a reasonable doubt," whereas civil cases tend to have lower standards of proof such as "the preponderance of the evidence."

A **window** of time is often passed alongside reform to allow previously time-barred victims the opportunity to seek justice. Often referred to as a "window to justice," this can be set for any length of time and is offered one time only.



It is not unprecedented for the legislature to enact justice reform when evidence illustrates the need. How many more grand juries and victims need to present this evidence for us to take action? This needs to be the final time a grand jury recommends abolishing the statute of limitations.

- Jennifer Storm, Pennsylvania Victim Advocate

Know the Facts

Nearly 63% of women experience sexual violence in their lifetime.

Nearly 24% of men experience sexual violence in their lifetime.

- **Sexual violence has long-term effects that can often delay disclosure and healing. At most, 1/3 disclose as children and another 1/3 never disclose. Studies show the average age to disclose is 52, with the median age 48.**
 - Survivors can have physical, mental and emotional reactions to sexual violence. Other common reactions include changes in sleeping patterns, eating habits, and an increase in drug or alcohol use. For men, societal pressures of what it stereotypically means to 'be a man' can intensify feelings of shame and embarrassment.
 - Fear of not being believed, self-blame and concerns of how the justice system will handle their case are just a few of the many reasons that sexual assault is underreported. In fact, only 23% of rape and sexual assaults are reported to the police.
 - Because most victims know their perpetrator, they are often manipulated to such a degree that they don't identify themselves as a victim until they are released from the ongoing proximity and control of their perpetrator or institution concealing the abuse.
- **College students between the age of 18 – 24 are 3 times more likely to experience sexual assault.**
 - 11.2% of all students (graduate and undergraduate) experience rape or sexual assault through physical force, violence, or incapacitation.
- **Every 8 minutes, Child Protective Services agencies substantiates, or finds evidence for, a claim of child sexual abuse – that is an average of 63,000 children each year.**
 - Of all victims under the age of 18, 34% are under age 12, while 66% are age 12 – 17.
 - Perpetrators of child sexual abuse are often related to the victim. 80% of perpetrators were a parent; 6% were other relatives; 5% were "other" (from siblings to strangers); 4% were partners of a parent.
 - Victims may develop a mindset of fear, denial, distrust and conflicting loyalties resulting from the complications of abusive familial relationships. The power dynamics and psychological manipulation often result in secrecy and silence.



Know the Laws

Civil - Childhood Sexual Abuse	Criminal - Childhood Sexual Abuse	Criminal - Adult Major Sexual Offenses	Civil - Adult Major Sexual Offenses
CURRENT LAW in PENNSYLVANIA			
Civil statute of limitations is capped at the age of adulthood plus 12 years, ie age 30 for most.	Criminal statute of limitations is capped at the age of adulthood plus 32 years, ie age 50 for most.*	Criminal statute of limitations for adults is capped at 12 years after the offense was committed.	Civil statute of limitations for adults is capped at 2 years after the offense was committed.
PROPOSED LEGISLATION in PENNSYLVANIA			
House Bill 962 extends the civil statute of limitations for child victims to age 55 and removes the sovereign and government immunity going forward. It also abolishes the criminal statute of limitations, but for children only.		<i>Does not apply to adults.</i>	<i>Does not apply to adults.</i>
House Bill 963 calls for a constitutional amendment that opens a two-year window for child victims that were previously time-barred.		<i>Does not apply to adults.</i>	<i>Does not apply to adults.</i>
Senate Bill 540 fully abolishes both the civil and criminal statute of limitations for all child and adult victims of sexual abuse. It further creates a two-year retroactive window, allowing those previously time-barred, regardless of age, to have an opportunity to file suit against their abuser and/or institution who knowingly concealed the abuse.			

*The criminal statute of limitations has been amended multiple times. Therefore, not every victim in the Commonwealth has until age 50. If the crime occurred prior to the multiple extensions of the statute, then it falls under the statute that applied at the time of the crime.

Know the Needs

The Office of Victim Advocate fully supports proposals aimed at the abolishment of **all** civil or criminal statute of limitations provisions. Reform allows victims to report when they feel safe and ready.

In addition, OVA believes that a one-time two year window of opportunity is the most equitable way to ensure all victims of sexual abuse have a path towards justice. The ability for civil action is not just about financial restoration; it is about naming offenders. It is the ability to collect evidence and factually prove the harm done to a person in a justice setting that enables victims the validation they deserve.



Full reform would allow victims, regardless of age, the necessary time and space to heal without the confines of limitations of the law.

To reach the pinnacle of reform, we must abolish all time limitations on victims.
- Jennifer Storm, Pennsylvania Victim Advocate

Resources

- United States Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau. Child Maltreatment Survey, 2013 (2014).
- Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, Sex Offenses and Offenders (1997).
- Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, Sexual Assault of Young Children as Reported to Law Enforcement (2000).
- United States Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau. Child Maltreatment Survey, 2012 (2013).
- Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, Rape and Sexual Victimization Among College-Aged Females, 1995-2013 (2014).
- Association of American Universities (AAU), Report on the AAU Campus Climate Survey on Sexual Assault and Sexual Misconduct (September 21, 2015).
- Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, Socio-emotional Impact of Violent Crime (2014).
- DG Kilpatrick, CN Edmunds, AK Seymour. Rape in America: A Report to the Nation. Arlington, VA: National Victim Center and Medical University of South Carolina (1992).
- Fanflik, P. L. Victim responses to sexual assault: Counterintuitive or simply adaptive? Retrieved from National Association of District Attorneys (2007).
- Finkelhor, D., Hotaling, G., Lewis, I., & Smith, C. Sexual abuse in a national survey of adult men and women: Prevalence, characteristics, and risk factors (1990).