



Ad seeks to apply pressure lawmakers to act swiftly to lift statute of limitations on child sex abuse cases

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A grassroots advocacy organization for child sex abuse victims is stepping up the pressure on lawmakers to eliminate the statute of limitations on child sex abuse crimes.

Justice4PAKids is running advertisements on PennLive and in editions of The Patriot-News with a haunting message that they hope will motivate legislative leaders to act this fall.

It says, "PA legislative leaders: Many victims of child sexual abuse live with this nightmare: 'He's still out there.' And they can't even talk about he did because the statute of limitations expired."

Maureen Martinez, co-founder and president of the Malvern-based group focused solely on dealing with this statute of limitations issue, said her group has worked faithfully for nearly three years on getting the statute of limitations on child sex abuse crimes lifted. Yet, any legislation that would alter the statute of limitations has yet to get a vote by the full House or Senate.

Arguments that it is unconstitutional, along with **ones raised by the Pa. Catholic Conference and Insurance Federation of Pennsylvania** that it is misguided and unfair have stymied the statute of limitations legislation thus far.

And that frustrates Martinez. She said after the child sex scandals involving the **Archdiocese of Philadelphia, Jerry Sandusky** and the **Boy Scouts**, "What more needs to happen before we do something about this?"

She said child sex victims sometimes take 30, 40, 50 or more years after becoming an adult before they are



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Ad from Justice4PAKids is hoped with prompt legislators to take up legislation to lift or extend the statute of limitations on child sex abuse crimes.

The Patriot-News/file

ready to speak publicly about what happened to them as a child. But Pennsylvania law cuts off their opportunity to seek criminal prosecution against their abusers at age 50 and to bring civil claims against them at age 30.

Lifting the statute of limitations on civil actions, **even temporarily as Rep. Mike McGeehan, D-Philadelphia, and Sen. Rob Teplitz, D-Harrisburg, have proposed**, would allow victims to publicly identify their abusers without fear of getting sued for slander so others could be alerted, Martinez said.

Rep. Ron Marsico, R-Lower Paxton Twp., who chairs the House Judiciary Committee, is not ready to bend to the pressure on this issue, yet.

While he maintains that lifting the statute of limitations for civil actions would be unconstitutional, he also has not closed the door on repeating his push for eliminating it for criminal prosecutions that **moved out of the Judiciary Committee last year**.

"I know it's an emotional and difficult issue and human nature pushes us to protect the most vulnerable, but we can't pick and choose which parts of the constitution we want to follow," Marsico said.

Marci Hamilton, a constitutional law professor at New York's Yeshiva University, strenuously disagrees with Marsico's contention that lifting the statute of limitations civilly or criminally in Pennsylvania is unconstitutional.

Further, she said the Pennsylvania courts have decided no cases to indicate even a temporary lifting of the statute of limitations in civil cases is prohibited.

Saying it's unconstitutional "is a standard argument raised in every state where they are trying furiously" to stop this legislation from advancing, said Hamilton, who has conducted a study of this issue in all 50 states and is regarded as a national expert.

The Insurance Federation of Pennsylvania, however, has said extending or lifting the statute of limitations on these crimes exposes potential suspects and institutions to financial liability for allegations they may have little supporting evidence. Additionally, it maintains it is unfair to insurers to change deadlines after they've expired.

The Pennsylvania Catholic Conference maintains it presents an unworkable situation whereby it would have to defend itself in court against decades-old, fading memories of alleged victims. Besides, its spokeswoman Amy Hill argues allowing lawsuits to be filed for sexual abuse cases 30 to 50 years after the fact, "wouldn't put one perpetrator in jail."

Marsico said his committee's focus right now is on getting legislation enacted that was recommended by the **Pennsylvania Task Force on Child Protection**.

"Once we get those through, then we'll consider other proposals," Marsico said, adding that includes the statute of limitations legislation.

Martinez said she just wants the legislation to reach the House and Senate where all legislators can share what they collectively think about the issue and tweak it to address their concerns.

"But it's got to get a vote. It's been many, many years," she said. "This shouldn't be that difficult. This issue is about protecting kids."

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