
A BILL FOR AN ACT

RELATING TO SEXUAL VIOLENCE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that child sexual abuse
2 is extremely prevalent and that most children who are survivors
3 of sexual abuse do not immediately disclose the fact that they
4 were abused. In the United States, one in five girls and one in
5 twenty boys is a victim of child sexual abuse and studies show
6 that between sixty and eighty per cent of survivors withhold
7 disclosure. Of those who delay disclosure until adulthood, the
8 average delay has been found to be approximately twenty years,
9 with some survivors delaying up to fifty years. As children are
10 most vulnerable to sexual abuse between the ages of seven and
11 thirteen, the average age at which delayed disclosure in
12 adulthood occurs would be approximately between twenty-seven to
13 thirty-three years of age.

14 The legislature further finds that there are many reasons
15 children delay disclosing sexual abuse. These reasons range
16 from their particular stage of cognitive development, limited
17 capacity to understand what happened, confusion about their



1 feelings, and limited ability to adequately express complaints,
2 to the fact that a majority of survivors know the perpetrator
3 and may fear retaliation or harmful impacts on their family or
4 community. Moreover, when survivors disclose the abuse, they
5 may also be subjected to negative, silencing, and re-
6 traumatizing reactions by the recipients of the disclosure.
7 Therefore, the fact that a survivor may have disclosed the
8 survivor's abuse does not mean that the survivor had a
9 meaningful opportunity to seek justice at the time of
10 disclosure.

11 Accordingly, the purpose of this Act is to extend the
12 period of time in which survivors may bring otherwise time-
13 barred civil cases against perpetrators, thus aligning the civil
14 statute of limitations with the reality that survivors of child
15 sexual abuse tend to delay disclosing the abuse until they are
16 well into adulthood.

17 SECTION 2. Section 657-1.8, Hawaii Revised Statutes, is
18 amended by amending subsections (a) and (b) to read as follows:

19 "(a) Notwithstanding any law to the contrary, except as
20 provided under subsection (b), no action for recovery of damages
21 based on physical, psychological, or other injury or condition



1 suffered by a minor arising from the sexual abuse of the minor
2 by any person shall be commenced against the person who
3 committed the act of sexual abuse more than:

4 (1) [~~Eight~~] Twenty-two years after the eighteenth birthday
5 of the minor or the person who committed the act of
6 sexual abuse attains the age of majority, whichever
7 occurs later; or

8 (2) [~~Three~~] Ten years after the date the minor discovers
9 or reasonably should have discovered that
10 psychological injury or illness occurring after the
11 age of minor's eighteenth birthday was caused by the
12 sexual abuse,
13 whichever comes later.

14 A civil cause of action for the sexual abuse of a minor
15 shall be based upon sexual acts that constituted or would have
16 constituted a criminal offense under part V or VI of chapter
17 707.

18 (b) For a period of four years after [~~April 24, 2012,~~]
19 July 1, 2018, a victim of child sexual abuse that occurred in
20 this State may file a claim in a circuit court of this State
21 against the person who committed the act of sexual abuse if the



1 victim is barred from filing a claim against the victim's abuser
2 due to the expiration of the applicable civil statute of
3 limitations that was in effect prior to [~~April 24, 2012.~~]
4 July 1, 2018.

5 A claim may also be brought under this subsection against a
6 legal entity if:

7 (1) The person who committed the act of sexual abuse
8 against the victim was employed by an institution,
9 agency, firm, business, corporation, or other public
10 or private legal entity that owed a duty of care to
11 the victim; or

12 (2) The person who committed the act of sexual abuse and
13 the victim were engaged in an activity over which the
14 legal entity had a degree of responsibility or
15 control.

16 Damages against the legal entity shall be awarded under
17 this subsection only if there is a finding of gross negligence
18 on the part of the legal entity."

19 SECTION 3. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

21



1 SECTION 4. This Act shall take effect on July 1, 2035.

2



Report Title:

Sexual Abuse; Civil Action; Statute of Limitations

Description:

Extends the amount of time from the date an act of child sexual abuse occurred for a victim to bring a civil cause of action. Effective 7/1/2035. (SD1)

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