

---

---

# A BILL FOR AN ACT

RELATING TO LIMITATION OF ACTIONS.

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

1           SECTION 1. Chapter 657, Hawaii Revised Statutes, is  
2 amended by adding a new section to part I to be appropriately  
3 designated and to read as follows:

4           "§657-       Civil action arising from sexual offenses;  
5 application; certificate of merit. (a) Notwithstanding any law  
6 to the contrary, an action for recovery of damages based on  
7 physical, psychological, or other injury or condition suffered  
8 by a minor arising from the sexual abuse of the minor by an  
9 adult may be commenced at any time following the commission of  
10 the act or acts that constituted the sexual abuse. A civil  
11 cause of action for sexual abuse of a minor shall be based upon  
12 sexual acts that constituted or would have constituted a  
13 criminal offense under part V or VI of chapter 707.

14           (b) For a period of two years following the effective date  
15 of this Act, victims of child sexual abuse that occurred in this  
16 State who have been barred from filing suit against their  
17 abusers by virtue of the expiration of the former civil statute  
18 of limitations shall be permitted to file those claims in the



1 circuit courts of this State. If the person committing the act  
2 of sexual abuse against the minor was employed by an  
3 institution, agency, firm, business, corporation, or other  
4 public or private legal entity that owed a duty of care to the  
5 victim, or the accused and the minor were engaged in an activity  
6 over which the legal entity had some degree of responsibility or  
7 control, damages against the legal entity shall be awarded under  
8 this subsection only if there is a finding of gross negligence  
9 on the part of the legal entity.

10 (c) A person against whom a suit is filed may recover  
11 attorneys' fees where the court determines that a false  
12 accusation was made with no basis in fact and with malicious  
13 intent. A verdict in favor of the accused shall not be the sole  
14 basis for a determination that an accusation was false. The  
15 court must make an independent finding of an improper motive to  
16 award attorneys' fees under this section."

17 SECTION 2. The revisor of statutes shall insert the  
18 effective date of this Act in the appropriate places in  
19 section 1 of this Act.

20 SECTION 3. New statutory material is underscored.

21 SECTION 4. This Act shall take effect on July 1, 2050.

22



**Report Title:**

Limitation of Actions; Sexual Offenses Against Minors

**Description:**

Eliminates the statute of limitations for civil actions brought by persons subjected to sexual offenses as a minor against the person who committed the act or act constituting the sexual offense. Revives for a two-year period certain actions for which the statute of limitations had previously lapsed. Authorizes suits against the abuser's employer under limited circumstances. Authorizes a court to award attorneys' fees to a defendant when a false accusation was made with no basis in fact and with malicious intent. Effective 7/1/2050. (SD2)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

