A BILL FOR AN ACT

RELATING TO LIMITATION OF ACTIONS.

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

SECTION 1. Section 657-1.8, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) A victim of child sexual abuse that occurred in this State who had been barred from filing a claim against the victim's abuser due to the expiration of the applicable civil statute of limitations that was in effect prior to [April 24, 2012], may file a claim in a circuit court of this State against the person who committed the act of sexual abuse if the victim is barred from filing a claim against the victim's abuser due to the expiration of the applicable civil statute of limitations that was in effect prior to April 24, 2012, and has not attained the age of fifty-five.

A claim may also be brought under this subsection against a legal entity, except the State or its political subdivisions, if:

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

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

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

SECTION 2. Statutory material to be repealed is bracketed
and stricken. New statutory material is underscored.

SECTION 3. This Act, upon its approval, shall take effect
on April 23, 2014.

INTRODUCED BY: 

Zanne Allen Oakland
Report Title:
Statute of Limitations; Civil Actions; Sexual Abuse of a Minor

Description:
Allows a victim of child sexual abuse to bring a civil action against victim's abuser or an entity, except for the State or counties, when the entity was grossly negligent, if the statute of limitations for filing a civil claim has lapsed and the victim has not yet attained the age of fifty-five. Effective 4/23/2014.

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