

JAN 20 2017

A BILL FOR AN ACT

RELATING TO CIVIL ACTIONS.

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

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

3 "(a) Notwithstanding any law to the contrary, [~~except as~~
4 ~~provided under subsection (b), no~~] an action for recovery of
5 damages based on physical, psychological, or other injury or
6 condition suffered by a minor arising from the sexual abuse of
7 the minor by any person [~~shall~~] may be commenced against the
8 person who committed the act of sexual abuse [~~more than~~

9 ~~(1) Eight years after the eighteenth birthday of the minor~~
10 ~~or the person who committed the act of sexual abuse~~
11 ~~attains the age of majority, whichever occurs later,~~
12 ~~or~~

13 ~~(2) Three years after the date the minor discovers or~~
14 ~~reasonably should have discovered that psychological~~
15 ~~injury or illness occurring after the age of minor's~~
16 ~~eighteenth birthday was caused by the sexual abuse,~~
17 ~~whichever comes later.] at any time.~~



1 A civil cause of action for the sexual abuse of a minor
2 shall be based upon sexual acts that constituted or would have
3 constituted a criminal offense under part V or VI of chapter
4 707.

5 (b) ~~[For a period of four years after April 24, 2012, a
6 victim of child sexual abuse that occurred in this State may
7 file a claim in a circuit court of this State against the person
8 who committed the act of sexual abuse if the victim is barred
9 from filing a claim against the victim's abuser due to the
10 expiration of the applicable civil statute of limitations that
11 was in effect prior to April 24, 2012.]~~

12 A claim may also be brought under this ~~[subsection]~~ section
13 against a legal entity if:

- 14 (1) The person who committed the act of sexual abuse
15 against the victim was employed by an institution,
16 agency, firm, business, corporation, or other public
17 or private legal entity that owed a duty of care to
18 the victim; or
- 19 (2) The person who committed the act of sexual abuse and
20 the victim were engaged in an activity over which the



1 legal entity had a degree of responsibility or
2 control.

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

6 SECTION 2. This Act does not affect rights and duties that
7 matured, penalties that were incurred, and proceedings that were
8 begun before its effective date.

9 SECTION 3. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 4. This Act shall take effect upon its approval.

12

INTRODUCED BY: *[Signature]*

Rosaly H. Bala

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S.B. NO. 523

Report Title:

Civil Actions; Limitation of Actions; Sexual Offenses Against Minors

Description:

Allows a civil action for recovery of damages to be brought by persons subjected to sexual offenses as a minor against the person who committed the act at any time by repealing the statute of limitations. Repeals the period during which a victim of child sexual abuse may bring an otherwise time-barred civil action against the victim's abuser or an entity with a duty of care, including the State and counties.

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

