

STAND. COM. REP. NO.

2591

Honolulu, Hawaii

MAR 01 2018

RE: S.B. No. 2719
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2719 entitled:

"A BILL FOR AN ACT RELATING TO SEXUAL VIOLENCE,"

begs leave to report as follows:

The purpose and intent of this measure is to extend the period of time for a person to bring a civil cause of action seeking damages for an injury or condition arising from alleged sexual abuse when the person was a minor.

Your Committee received testimony in support of this measure from the Sex Abuse Treatment Center, Save Medicaid Hawaii, Hawaii State Coalition Against Domestic Violence, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Filipina Advocacy Network, Planned Parenthood Votes Northwest and Hawaii, Domestic Violence Action Center, and six individuals. Your Committee received testimony in opposition to this measure from the Department of the Attorney General.

Your Committee finds that child sexual abuse is a serious and ongoing threat to the safety, health, and wellbeing of children and young people. Survivors of child sexual abuse frequently suffer profound consequences throughout adulthood, and many do not disclose their abuse until later in life. Children who are the targets of sexual abuse can blame themselves or be prevented from reporting the abuse due to intense feelings of fear, disbelief,



anger, helplessness, betrayal, and anxiety; incapacity to understand what happened or express their complaint due to their stage of cognitive development; or be afraid of retaliation or the potential negative impact on their family if the abuser was a family member or an individual in a position of influence or power.

Your Committee further finds that some studies have estimated that between sixty percent and eighty percent of child sexual abuse survivors withhold disclosure, and that the average delay in disclosure is approximately twenty years after the abuse occurred. Extending the period of time for a person to bring a civil cause of action seeking damages for an injury or condition arising from alleged sexual abuse when the person was a minor will ensure that more survivors of child sexual abuse are afforded a realistic and fair opportunity to seek justice.

Your Committee has amended this measure by:

- (1) Removing the savings clause;
- (2) Inserting an effective date of July 1, 2035, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2719, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2719, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,


BRIAN T. TANIGUCHI, Chair



The Senate
Twenty-Ninth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:* SB 2719	Committee Referral: JDC	Date: 2/20/18		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)	✓			
RHOADS, Karl (VC)	✓			
GABBARD, Mike				✓
KIM, Donna Mercado				✓
THIELEN, Laura H.	✓			
TOTAL	3	0	0	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Karl Rhoads</i>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes