
A BILL FOR AN ACT

RELATING TO LIMITATION OF ACTIONS FOR SEXUAL ASSAULT.

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 action for recovery of damages
5 based on physical, psychological, or other injury or condition
6 suffered by a minor arising from the sexual abuse of the minor
7 by any person shall be commenced against the person who
8 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.



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

12 A claim may also be brought under this subsection against a
13 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. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 3. This Act shall take effect on July 1, 2050 and
9 shall apply retroactively to claims filed after April 24, 2012.



Report Title:

Statute of Limitations; Civil Actions; Sexual Abuse of a Minor

Description:

Extends 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. (HB415 HD1)

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