
A BILL FOR AN ACT

RELATING TO CHILDHOOD SEXUAL ABUSE.

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

1 SECTION 1. The legislature finds that survivors of
2 childhood sexual abuse often do not divulge the truth about
3 their experiences until they reach adulthood because they
4 experience feelings of fear, disbelief, anger, helplessness,
5 anxiety, embarrassment, or other feelings that are not their
6 fault.

7 For example, the first woman to publicly accuse former USA
8 Gymnastics national team doctor Lawrence Gerard Nassar was
9 fifteen years old at the time she was assaulted and came forward
10 sixteen years later, at the age of thirty-one. Many other
11 survivors remained silent even longer, and Nassar was ultimately
12 accused of sexually assaulting at least two hundred fifty girls
13 and young women over a period of thirty years before he was
14 convicted on multiple sexual assault and child pornography
15 charges.

16 The legislature further finds that some studies have
17 estimated that between sixty and eighty per cent of childhood



1 sexual abuse survivors withhold disclosure of their abuse until
2 adulthood and that the average delay is approximately twenty
3 years, with some survivors delaying disclosure for up to fifty
4 years.

5 Hawaii law generally requires that a lawsuit be filed
6 within eight years after a survivor of childhood sexual abuse
7 turns eighteen, or three years after discovering that a
8 psychological injury or illness that occurs during adulthood was
9 caused by childhood sexual abuse. Under those limitations, many
10 survivors of childhood sexual assaults may be prevented from
11 seeking redress in the courts.

12 Accordingly, the purpose of this Act is to repeal statutory
13 limitations on the time periods in which a survivor of childhood
14 sexual abuse may file a civil action.

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

17 "(a) Notwithstanding section 657-7 or any other law to the
18 contrary, [~~except as provided under subsection (b), no~~] an
19 action for recovery of damages based on physical, psychological,
20 or other injury or condition suffered by a minor arising from
21 the sexual abuse of the minor by any person [~~shall~~] may be



1 commenced ~~[against the person who committed the act of sexual~~
2 ~~abuse more than:~~

3 ~~(1) Eight years after the eighteenth birthday of the minor~~
4 ~~or the person who committed the act of sexual abuse~~
5 ~~attains the age of majority, whichever occurs later;~~
6 ~~or~~

7 ~~(2) Three years after the date the minor discovers or~~
8 ~~reasonably should have discovered that psychological~~
9 ~~injury or illness occurring after the minor's~~
10 ~~eighteenth birthday was caused by the sexual abuse,~~
11 ~~whichever comes later.] at any time.~~

12 A civil cause of action for the sexual abuse of a minor
13 shall be based upon sexual acts that constituted or would have
14 constituted a criminal offense under part V or VI of chapter
15 707.

16 (b) ~~[For a period of eight years after April 24, 2012, a~~
17 ~~victim of child sexual abuse that occurred in this State may~~
18 ~~file a claim in a circuit court of this State against the person~~
19 ~~who committed the act of sexual abuse if the victim is barred~~
20 ~~from filing a claim against the victim's abuser due to the~~



1 ~~expiration of the applicable civil statute of limitations that~~
2 ~~was in effect prior to April 24, 2012.]~~

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

- 5 (1) The person who committed the act of sexual abuse
6 against the victim was employed by an institution,
7 agency, firm, business, corporation, or other public
8 or private legal entity that owed a duty of care to
9 the victim; or
- 10 (2) The person who committed the act of sexual abuse and
11 the victim were engaged in an activity over which the
12 legal entity had a degree of responsibility or
13 control.

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

17 SECTION 3. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 4. This Act shall take effect on January 28, 2081.



Report Title:

Childhood Sexual Abuse; Civil Actions; Statute of Limitations

Description:

Repeals statutory limitations on the time period in which a survivor of childhood sexual abuse may file suit. (HB18 HD1)

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