

JAN 18 2019

A BILL FOR AN ACT

RELATING TO SEXUAL VIOLENCE.

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

1 SECTION 1. The legislature finds that child sexual abuse
2 is extremely prevalent and that most children who are survivors
3 of sexual abuse do not immediately disclose the fact that they
4 were abused. In the United States, one in five girls and one in
5 twenty boys is a victim of child sexual abuse and studies show
6 that between sixty and eighty per cent of survivors withhold
7 disclosure. Of those who delay disclosure until adulthood, the
8 average delay has been found to be approximately twenty years,
9 with some survivors delaying up to fifty years. As children are
10 most vulnerable to sexual abuse between the ages of seven and
11 thirteen, the average age at which delayed disclosure in
12 adulthood occurs would be approximately between twenty-seven to
13 thirty-three years of age.

14 The legislature further finds that there are many reasons
15 children delay disclosing sexual abuse. These reasons range
16 from their particular stage of cognitive development, limited
17 capacity to understand what happened, confusion about their



1 feelings, and limited ability to adequately express complaints,
2 to the fact that a majority of survivors know the perpetrator
3 and may fear retaliation or harmful impacts on their family or
4 community. Moreover, when survivors disclose the abuse, they
5 may also be subjected to negative, silencing, and re-
6 traumatizing reactions by the recipients of the disclosure.
7 Therefore, the fact that a survivor may have disclosed the
8 survivor's abuse does not mean that the survivor had a
9 meaningful opportunity to seek justice at the time of
10 disclosure.

11 Accordingly, the purpose of this Act is to extend the
12 period of time in which survivors may bring civil cases against
13 perpetrators, thus aligning the civil statute of limitations
14 with the reality that survivors of child sexual abuse are often
15 unable to disclose the abuse and seek justice until they are
16 well into adulthood.

17 SECTION 2. Section 657-1.8, Hawaii Revised Statutes, is
18 amended by amending subsection (a) to read as follows:

19 "(a) Notwithstanding any law to the contrary, except as
20 provided under subsection (b), no action for recovery of damages
21 based on physical, psychological, or other injury or condition



1 suffered by a minor arising from the sexual abuse of the minor
2 by any person shall be commenced against the person who
3 committed the act of sexual abuse more than:

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

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

14 A civil cause of action for the sexual abuse of a minor
15 shall be based upon sexual acts that constituted or would have
16 constituted a criminal offense under part V or VI of chapter
17 707."

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

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1 SECTION 4. This Act shall take effect on July 1, 2019.

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S.B. NO. 1935

Report Title:

Sexual Violence; Child Sexual Abuse; Civil Action; Statute of Limitations

Description:

Extends the amount of time from the date an act of child sexual abuse occurred for a victim to bring a civil cause of action.

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