

STAND. COM. REP. NO.

2956

Honolulu, Hawaii

FEB 27 2020

RE: S.B. No. 2316  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirtieth State Legislature  
Regular Session of 2020  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2316 entitled:

"A BILL FOR AN ACT RELATING TO CHILDHOOD SEXUAL ABUSE,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Extend statutory limitations on the time periods in which a survivor of childhood sexual abuse may file a civil action to within forty years of their eighteenth birthday; and
- (2) Specify that the remedies available in civil cases arising from the sexual abuse of a minor shall not include punitive damages and that the court may order restorative justice measures.

Your Committee received testimony in support of this measure from the Hawai'i State Commission on the Status of Women, The Sex Abuse Treatment Center, CHILD USA, LGBT Caucus of the Democratic Party of Hawai'i, Planned Parenthood Votes Northwest and Hawaii, IMUAlliance, Parents and Children Together, Rainbow Family 808, Midwives Alliance of Hawaii, Breastfeeding Hawaii, and twenty-six individuals. Your Committee received comments on this measure from the Department of the Attorney General and one individual.



Your Committee finds that victims of child sex abuse often need decades to come forward due to the trauma from the abuse, inability to process what happened to them, and frequently because they are dependent on the adults who perpetrated or caused the abuse. Studies have shown that age fifty-two is the average age of disclosure for victims of child sex abuse. Your Committee further finds that short statutes of limitations for child sex abuse play into the hands of the perpetrators and the institutions that cover up for them, thereby disabling victims' voices and empowerment. Extending the civil statute of limitations for child sex abuse plaintiffs ensures that justice will be made available to more victims.

Your Committee has amended this measure by:

- (1) Deleting language that would have prohibited punitive damages from being included in monetary relief for claims arising from sexual offenses;
- (2) Specifying that upon the victim's request, rather than at the court's discretion, the court may order restorative justice measures, including victim impact panels, victim impact classes, or community service; 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. 2316, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2316, S.D. 1, and be placed on the calendar for Third Reading.

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



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KARL RHOADS, Chair



The Senate  
Thirtieth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Judiciary**  
**JDC**

Bill / Resolution No.:* <b>SB 2316</b>	Committee Referral: <b>JDC</b>	Date: <b>2/6/2020</b>
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The Committee is reconsidering its previous decision on this measure.  
If so, then the previous decision was to: \_\_\_\_\_

The Recommendation is:

Pass, unamended  
2312       Pass, with amendments  
2311       Hold  
2310       Recommit  
2313

Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	/			
KEOHOKALOPE, Jarrett (VC)	/			
GABBARD, Mike	/			
KIM, Donna Mercado				/
FEVELLA, Kurt	/			
<b>TOTAL</b>	<b>4</b>			<b>1</b>

Recommendation:  Adopted       Not Adopted

Chair's or Designee's Signature: 

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\*Only one measure per Record of Votes