

STAND. COM. REP. NO.

390

Honolulu, Hawaii

FEB 18 , 2021

RE: H.B. No. 570
H.D. 2

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 570, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO SEXUAL ABUSE OF MINORS,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Expand the time period by which a civil action for childhood sexual abuse may be initiated;
- (2) Extend the period during which a victim of childhood sexual abuse may bring an otherwise time-barred action against the victim's abuser or a legal entity having a duty of care;
- (3) Allow victims to recover treble damages in certain circumstances; and
- (4) Allow a court to order the personnel of a legal entity against whom a claim is brought to undergo training on trauma-informed response to sexual abuse allegations.

Your Committee received testimony in support of this measure from the Hawaii State Commission on the Status of Women, Planned Parenthood Votes Northwest and Hawaii, LGBT Caucus of the

2021-1661 HB570 HD2 HSCR HMSO



Democratic Party of Hawaii, Imua Alliance, CHILD USA, CHILD USAAdvocacy, Talbert Law LLC, The Sex Abuse Treatment Center, and eight individuals. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that survivors of childhood sexual abuse often do not divulge the truth of their abuse until adulthood, with some survivors delaying disclosure for fifty years or more. This measure will provide victims of childhood sexual abuse a better opportunity to seek justice.

Your Committee has amended this measure by:

- (1) Clarifying that a certificate of merit filed by the attorney for a plaintiff in a civil action arising from sexual offenses must be electronically filed under seal;
- (2) Adding language to provide greater flexibility for different approaches to what may constitute "trauma-informed response"; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 570, H.D. 1, as amended herein, and recommends that it be referred to your Committee on Finance in the form attached hereto as H.B. No. 570, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,


MARK M. NAKASHIMA, Chair



Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: HB 570 HDI	Committee Referral: HHH, JHA, FIN	Date: 2-11-21		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. NAKASHIMA, Mark M. (C)	✓			
2. MATAYOSHI, Scot Z. (VC)	✓			
3. ICHIYAMA, Linda	✓			
4. KOBAYASHI, Dale T.	✓			
5. LoPRESTI, Matthew S.	✓			
6. LOWEN, Nicole E.	✓			
7. McKELVEY, Angus L.K.	✓			
8. NAKAMURA, Nadine K.	✓			
9. TAKUMI, Roy M.	✓			
10. TODD, Chris	✓			
11. TOKIOKA, James Kunane	✓			
12. WARD, Gene	✓			
TOTAL (12)	12	0	0	0
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: small;">committee acronym(s)</div>				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				