

Honolulu, Hawaii
March 19, 2014

RE: S.B. No. 2687
S.D. 1
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred S.B. No. 2687, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO LIMITATION OF ACTIONS,"

begs leave to report as follows:

The purpose of this measure is to enable victims who were subjected to sexual offenses as a minor to hold perpetrators of sexual offenses civilly accountable for their acts. Specifically, this measure:

- (1) Permits victims of child sexual abuse that occurred in Hawaii who have been barred from filing suit against their abusers by virtue of the expiration of the former civil statute of limitations to file those claims in the circuit courts at any time so long as the victim has not attained the age of 55 at the time of filing;
- (2) Specifies that civil damages be awarded to a victim if there is a finding of negligence rather than gross negligence; and
- (3) Prohibits the court, plaintiff, or certain individuals from being required to disclose the contents of a sealed certificate of merit that is filed with a court.



The Hawaii State Commission on the Status of Women, Hawaii Women's Coalition, Democratic Party of Hawai'i Gay Lesbian Bisexual and Transgender Caucus, National Center for Victims of Crime, Sex Abuse Treatment Center, MaleSurvivor, Survivors Network of those Abused by Priests, and eleven concerned individuals provided testimony in support of this measure. The Department of the Attorney General and Hawaii Catholic Conference testified in opposition to this measure.

Your Committee has amended this measure by:

- (1) Allowing a civil claim to be filed regardless of the age of the victim at the time of filing;
- (2) Changing its effective date to July 1, 2080, to facilitate further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

Your Committee encourages further discussion of this measure and the important issues it seeks to address as it proceeds to your Committee on Finance, and through the legislative process.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2687, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2687, S.D. 1, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Human Services,



MELE CARROLL, Chair



State of Hawaii
House of Representatives
The Twenty-seventh Legislature

HSCR 1045-14

Record of Votes of the Committee on Human Services

Bill/Resolution No.: SB 2687, SD 1	Committee Referral: HUS, JUD	Date: 3/13/14		
<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)				
HUS Members	Ayes	Ayes (WR)	Nays	Excused
1. CARROLL, Mele (C)	/			
2. KOBAYASHI, Bertrand (VC)	/			
3. BELATTI, Della Au				/
4. CREAGAN, Richard				/
5. HASHEM, Mark J.	/			
6. JORDAN, Jo	/			
7. MORIKAWA, Dee	/			
8. OSHIRO, Marcus R.	/			
9. WOODSON, Justin H.	/			
10. FUKUMOTO, Beth		/		
TOTAL (10)	7	1		2
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: _____ <div style="text-align: center; font-size: small;">(Signature: Beth Fukumoto)</div>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				