

Honolulu, Hawaii
, 2024

MAR 19

RE: S.B. No. 2439
S.D. 1
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred S.B. No. 2439, 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:

- (1) Extend the statute of limitations for civil actions brought by adults subjected to sexual offenses for a four-year period;
- (2) Allow a claim to be brought against legal entities during the four-year period if there is a finding of gross negligence; and
- (3) Authorize a court to award attorney's fees to a defendant when an accusation of sexual abuse was made with no basis in fact and with malicious intent.

Your Committee received testimony in support of this measure from the Stonewall Caucus of the Democratic Party of Hawai'i; Hawaii Association for Justice; Rainbow Family 808; and six individuals. Your Committee received comments on this measure from the Department of the Attorney General and RAINN.



Your Committee finds that victims of sexual abuse may face certain obstacles when filing a civil action against their abusers. However, your Committee recognizes that allowing civil actions to be filed for sexual abuse that occurred decades ago may present various challenges related to evidence and witness availability that may prejudice respondents. This measure attempts to strike a balance between allowing victims of sexual abuse to seek recourse through the judicial system and protecting the right of persons to defend themselves in civil actions.

Your Committee has amended this measure by:

- (1) Incorporating its provisions into the existing law regarding civil actions arising from sexual offenses;
- (2) Shortening the period under which an adult victim of sexual abuse may file a claim to one year commencing on July 1, 2024, and limiting claims to sexual abuse that occurred after June 30, 2014;
- (3) Inserting a sunset date of July 1, 2025;
- (4) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (5) 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 S.B. No. 2439, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2439, S.D. 1, H.D. 1, and be referred to your Committee on Finance.



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



DAVID A. TARNAS, Chair



