

JAN 17 2014

A BILL FOR AN ACT

RELATING TO SEXUAL ASSAULT.

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

SECTION 1. Section 657-1.8, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Notwithstanding any law to the contrary, an action for recovery of damages based on physical, psychological, or other injury or condition suffered by an individual arising from sexual assault in the first and second degrees or continuous sexual assault of a minor under the age of fourteen years may be commenced at any time; provided that no action for recovery of damages based on physical, psychological, or other injury or condition suffered by a minor arising from ~~the~~ any other sexual abuse of the minor that constituted or would have constituted a criminal offense under part V or VI of chapter 707 by any person shall be commenced against the person who committed the act of sexual abuse more than:

- (1) Eight years after the eighteenth birthday of the minor or the person who committed the act of sexual abuse attains the age of majority, whichever occurs later;
- or



1 (2) Three years after the date the minor discovers or
2 reasonably should have discovered that psychological
3 injury or illness occurring after the age of minor's
4 eighteenth birthday was caused by the sexual abuse,
5 whichever comes later.

6 ~~[A civil cause of action for the sexual abuse of a minor~~
7 ~~shall be based upon sexual acts that constituted or would have~~
8 ~~constituted a criminal offense under part V or VI of chapter~~
9 ~~707.]~~"

10 SECTION 2. Section 701-108, Hawaii Revised Statutes, is
11 amended by amending subsection (1) to read as follows:

12 "(1) A prosecution for murder, murder in the first and
13 second degrees, attempted murder, and attempted murder in the
14 first and second degrees, criminal conspiracy to commit murder
15 in any degree, ~~[and]~~ criminal solicitation to commit murder in
16 any degree, sexual assault in the first and second degrees, and
17 continuous sexual assault of a minor under the age of fourteen
18 years may be commenced at any time."

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 Statutory material to be repealed is bracketed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



1 SECTION 4. This Act shall take effect upon its approval.

2

INTRODUCED BY:

Malene Jones

Michelle Kidani

Randy H. Baker

JM

Mark R

Frances Chun Oakland



S.B. NO. 2448

Report Title:

Statute of Limitations; Sexual Assault

Description:

Removes the statute of limitations for criminal and civil actions arising from sexual assault in the first and second degrees and continuous sexual assault of a minor under the age of fourteen years.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

