S.B. NO. ²⁷¹⁹ S.D. 1 H.D. 1 C.D. 1

A BILL FOR AN ACT

RELATING TO SEXUAL VIOLENCE.

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

1 SECTION 1. Section 657-1.8, Hawaii Revised Statutes, is 2 amended by amending subsections (a) and (b) to read as follows: 3 "(a) Notwithstanding any law to the contrary, except as 4 provided under subsection (b), no action for recovery of damages based on physical, psychological, or other injury or condition 5 suffered by a minor arising from the sexual abuse of the minor 6 7 by any person shall be commenced against the person who 8 committed the act of sexual abuse more than: 9 Eight years after the eighteenth birthday of the minor (1)10 or the person who committed the act of sexual abuse 11 attains the age of majority, whichever occurs later; 12 or 13 (2)Three years after the date the minor discovers or 14 reasonably should have discovered that psychological 15 injury or illness occurring after the [age of] minor's 16 eighteenth birthday was caused by the sexual abuse,

17 whichever comes later.



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A civil cause of action for the sexual abuse of a minor
 shall be based upon sexual acts that constituted or would have
 constituted a criminal offense under part V or VI of chapter
 707.

5 (b) For a period of [four] eight years after April 24, 6 2012, a victim of child sexual abuse that occurred in this State 7 may file a claim in a circuit court of this State against the 8 person who committed the act of sexual abuse if the victim is 9 barred from filing a claim against the victim's abuser due to 10 the expiration of the applicable civil statute of limitations 11 that was in effect prior to April 24, 2012.

12 A claim may also be brought under this subsection against a 13 legal entity if:

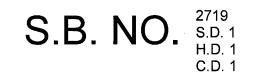
14 (1) The person who committed the act of sexual abuse
15 against the victim was employed by an institution,
16 agency, firm, business, corporation, or other public
17 or private legal entity that owed a duty of care to
18 the victim; or
19 (2) The person who committed the act of sexual abuse and

20 the victim were engaged in an activity over which the

2018-2588 SB2719 CD1 SMA.doc

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Page 3



7 and stricken. New statutory material is underscored.	1	legal entity had a degree of responsibility or
 4 this subsection only if there is a finding of gross negligence 5 on the part of the legal entity." 6 SECTION 2. Statutory material to be repealed is bracketed 7 and stricken. New statutory material is underscored. 8 SECTION 3. This Act shall take effect on July 1, 2018, and 	2	control.
5 on the part of the legal entity." 6 SECTION 2. Statutory material to be repealed is bracketed 7 and stricken. New statutory material is underscored. 8 SECTION 3. This Act shall take effect on July 1, 2018, and	3	Damages against the legal entity shall be awarded under
 6 SECTION 2. Statutory material to be repealed is bracketed 7 and stricken. New statutory material is underscored. 8 SECTION 3. This Act shall take effect on July 1, 2018, and 	4	this subsection only if there is a finding of gross negligence
7 and stricken. New statutory material is underscored. 8 SECTION 3. This Act shall take effect on July 1, 2018, and	5	on the part of the legal entity."
8 SECTION 3. This Act shall take effect on July 1, 2018, and	6	SECTION 2. Statutory material to be repealed is bracketed
	7	and stricken. New statutory material is underscored.
9 shall apply retroactively to April 24, 2012.	8	SECTION 3. This Act shall take effect on July 1, 2018, and
	9	shall apply retroactively to April 24, 2012.



Report Title: Sexual Abuse of Minors; Civil Action; Statute of Limitations

Description:

Extends the period during which a victim of child sexual abuse may bring an otherwise time-barred civil action against the victim's abuser or an entity with a duty of care. Applies retroactively to April 24, 2012. (CD1)

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

