

STAND. COM. REP. NO.

3724

Honolulu, Hawaii

JUN 30 2020

RE: H.B. No. 2177
H.D. 1
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B.
No. 2177, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CHILDHOOD SEXUAL ABUSE,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Extend statutory limitations on the time period in which a survivor of childhood sexual abuse may file a civil action to within fifty years of their eighteenth birthday; and
- (2) Specify that the remedies available in civil cases arising from the sexual abuse of a minor may include punitive damages up to two times the amount of compensatory damages and that the court may order restorative justice measures.

Prior to the hearing on this measure, your Committee posted and made available for public review a proposed S.D. 1, which removes the restriction on punitive damages to up to two times the amount of compensatory damages and contains an effective date of January 1, 2021.



Your Committee received testimony in support of the proposed S.D. 1 from the Hawai'i State Commission on the Status of Women, LGBT Caucus of the Democratic Party of Hawai'i, The Sex Abuse Treatment Center, Domestic Violence Action Center, IMUAlliance, American Association of University Women of Hawaii, Freedom from Religion Foundation, Parents and Children Together, Rainbow Family 808, Planned Parenthood Votes Northwest and Hawaii, Hawaii Women's Coalition, Hawaii Association for Justice, and twelve individuals. Your Committee received comments on the proposed S.D. 1 from the Department of the Attorney General.

Your Committee finds that victims of child sex abuse often need decades to come forward due to the trauma from the abuse, inability to process what happened to them, and frequently because they are dependent on the adults who perpetrated or caused the abuse. Studies have shown that age fifty-two is the average age of disclosure for victims of child sex abuse. Your Committee further finds that short statutes of limitations for child sex abuse play into the hands of the perpetrators and the institutions that cover up for them, thereby disabling victims' voices and empowerment. Extending the civil statute of limitations for child sex abuse plaintiffs ensures that justice will be made available to more victims.

Your Committee has amended this measure by adopting the proposed S.D. and further amending this measure by specifying that the court may order restorative justice measures, including victim impact panels, victim impact classes, or community service if requested by the victim.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2177, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2177, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.



Respectfully submitted on
behalf of the members of the
Committee on Judiciary,

Karl Rhoads

KARL RHOADS, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 2177 HD1	JDC	06/23/2020		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between;"> <div><input type="checkbox"/> Pass, unamended 2312</div> <div><input checked="" type="checkbox"/> Pass, with amendments 2311</div> <div><input type="checkbox"/> Hold 2310</div> <div><input type="checkbox"/> Recommit 2313</div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	/			
KEOHOKALOLE, Jarrett (VC)	/			
GABBARD, Mike	/			
KIM, Donna Mercado	/			
FEVELLA, Kurt	/			
TOTAL	5			
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: 				
Distribution: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div>Original File with Committee Report</div> <div>Yellow Clerk's Office</div> <div>Pink Drafting Agency</div> <div>Goldenrod Committee File Copy</div> </div>				

*Only one measure per Record of Votes