

STAND. COM. REP. NO. 1560

Honolulu, Hawaii

APR 09 2021

RE: H.B. No. 570
H.D. 2
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committees on Judiciary and Ways and Means, to which was referred H.B. No. 570, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO SEXUAL ABUSE OF MINORS,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Expand the time period in which a civil action for childhood sexual abuse may be initiated;
- (2) Extend the period during which a victim of childhood sexual abuse may bring an otherwise time-barred action against the victim's abuser or a legal entity having a duty of care;
- (3) Allow recovery of treble damages in certain circumstances; and
- (4) Provide for training on trauma-informed response.

Your Committees received testimony in support of this measure from the Democratic Party of Hawai'i; LGBT Caucus of the Democratic Party of Hawai'i; Sex Abuse Treatment Center; Talbert Law, LLLC; CHILD USA; CHILD USA Advocacy; Planned Parenthood Alliance Advocates; Rainbow Family 808; AAUW of Hawai'i; and three



individuals. Your Committees received testimony in opposition to this measure from two individuals. Your Committees received comments on this measure from the Department of the Attorney General and one individual.

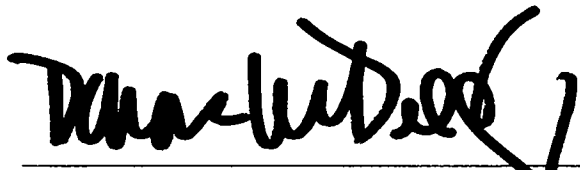
Your Committees find that child sexual abuse is a serious and ongoing threat to the safety, health, and wellbeing of children and young people. Survivors of child sexual abuse frequently suffer profound consequences throughout adulthood, and many do not disclose their abuse until later in life. Children who are the targets of sexual abuse can blame themselves or be prevented from reporting the abuse due to intense feelings of fear, disbelief, anger, helplessness, betrayal, and anxiety; incapacity to understand what happened or express their complaint due to their stage of cognitive development; or be afraid of retaliation or the potential negative impact on their family if the abuser was a family member or an individual in a position of influence or power. Your Committees further find that some studies have estimated that between sixty percent and eighty percent of child sexual abuse survivors withhold disclosure, and that the average delay in disclosure is approximately twenty years after the abuse occurred. Extending the period of time for a person to bring a civil cause of action seeking damages for an injury or condition arising from alleged sexual abuse when the person was a minor will ensure that more survivors of child sexual abuse are afforded a realistic and fair opportunity to seek justice.

Your Committees have amended this measure by making it effective upon its approval.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 570, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 570, H.D. 2, S.D. 1, and be placed on the calendar for Third Reading.



Respectfully submitted on
behalf of the members of the
Committees on Judiciary and
Ways and Means,



DONOVAN M. DELA CRUZ, Chair



KARL RHOADS, Chair



The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:* HB 570, HD2	Committee Referral: JDC / WAM	Date: 4/6/2021
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The Committee is reconsidering its previous decision on this measure.

If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
KEOHOKALOLE, Jarrett (VC)	✓			
ACASIO, Laura	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
LEE, Chris	✓			
FEVELLA, Kurt	✓			
TOTAL	7	0	0	0

Recommendation:
 Adopted
 Not Adopted

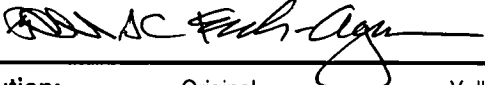
Chair's or Designee's Signature: *Karl Rhoads*

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*Only one measure per Record of Votes

The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:*	Committee Referral:	Date:		
<i>HB 570, HD 2</i>	<i>JDC / WAM</i>	<i>4/6/21</i>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
DELA CRUZ, Donovan M. (C)	x			
KEITH-AGARAN, Gilbert S.C. (VC)	x			
ENGLISH, J. Kalani	x			
INOUYE, Lorraine R.	x			
KANUHA, Dru Mamo	x			
KIDANI, Michelle N.	x			
MORIWAKI, Sharon Y.				x
SHIMABUKURO, Maile S.L.	x			
TANIGUCHI, Brian T.	x			
WAKAI, Glenn	x			
FEVELLA, Kurt	x			
TOTAL	<i>10</i>			<i>1</i>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
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