STAND. COM. REP. NO. LA

Honolulu, Hawaii MAR 0 4 2021

RE: S.B. No. 163 S.D. 1

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

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 163 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:

- Amend statutory limitations on the time period in which a survivor of childhood sexual abuse may file a civil suit;
- (2) Allow punitive damages in a civil suit for child sexual abuse; and
- (3) Permit the court to order restorative justice measures at its discretion, if requested by the victim.

Your Committee received testimony in support of this measure from the LGBT Caucus of the Democratic Party of Hawai'i, Hawaii Association for Justice, Sex Abuse Treatment Center, Domestic Violence Action Center, American Association of University Women of Hawaii, Imua Alliance, Parents And Children Together, Hawai'i State Commission on the Status of Women, Planned Parenthood Votes Northwest and Hawai'i, and twelve individuals. Your Committee received comments on this measure from the Department of the Attorney General and one individual.



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Your Committee finds that survivors of childhood sexual abuse often do not divulge their experiences until they reach adulthood. The delay may stem from fear, disbelief, anger, helplessness, anxiety, embarrassment, or other feelings that are no fault of the survivor. Your Committee further finds that Hawaii law currently requires that a lawsuit alleging childhood sexual abuse be filed within eight years of a survivor of childhood sexual abuse turning eighteen, or three years after discovering that an injury or illness during adulthood was caused by childhood sexual abuse. Under these limitations, many survivors of childhood sexual abuse may be barred from seeking civil redress in the courts.

Your Committee has amended this measure by clarifying statutory language relating to filing certificates of merit in civil actions to reflect new electronic filing rules.

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 S.B. No. 163, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 163, 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, Chair



## The Senate Thirty-First Legislature State of Hawaiʻi

## Record of Votes Committee on Judiciary JDC

Bill / Resolution No.:*	Committee Referral:		Da	Date:	
58163	JDC			2/9/2021	
The Committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended X Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)		✓			
KEOHOKALOLE, Jarrett (VC)					
ACASIO, Laura		✓			
GABBARD, Mike		$\checkmark$			
KIM, Donna Mercado					
LEE, Chris		<ul> <li>✓</li> </ul>			
FEVELLA, Kurt		✓			
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TOTAL		7	0	0	0
Recommendation:					
Chair's or Designee's Signature: Kal Mhooh					
Distribution:         Original         Yellow         Pink         Goldenrod           File with Committee Report         Clerk's Office         Drafting Agency         Committee File Copy					

\*Only one measure per Record of Votes