

STAND. COM. REP. NO.

297

Honolulu, Hawaii

FEB 13

, 2023

RE: H.B. No. 582  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-Second State Legislature  
Regular Session of 2023  
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 582 entitled:

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

begs leave to report as follows:

The purpose of this measure is to:

- (1) Expand the time period by which a civil action for childhood sexual abuse may be initiated;
- (2) Specify that a claim may only be brought against the legal entity that employed the person who committed the act and owed a duty of care to the victim if the legal entity is domiciled within the State;
- (3) Require the certificate of merit:
  - (A) For each defendant named in the complaint; and
  - (B) To be electronically filed under seal; and
- (4) Allow a court to order the personnel of a legal entity against whom a claim is brought to undergo training on trauma-informed response to allegations of sexual abuse.



Your Committee received testimony in support of this measure from the Sex Abuse Treatment Center, Hawaii State Coalition Against Domestic Violence, Stonewall Caucus of the Democratic Party of Hawai'i, Imua Alliance, CHILD USA Advocacy, CHILD USA, Parents And Children Together, American Association of University Women Hawai'i, YWCA of Kaua'i, Law Office of Mark Gallagher, and eleven individuals. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that survivors of childhood sexual abuse often do not divulge the truth of their abuse until adulthood, with some survivors delaying disclosure for fifty years or more. This measure will provide victims of childhood sexual abuse a better opportunity to seek justice.

Your Committee has amended this measure by:

- (1) Deleting language that would have:
  - (A) Required the legal entity to be domiciled within the State; and
  - (B) Amended the requirements for the certificate of merit;
- (2) Changing the effective date to June 30, 3000, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 582, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 582, H.D. 1, and be referred to your Committee on Finance.



Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary &  
Hawaiian Affairs,



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DAVID A. TARNAS, Chair



