

STAND. COM. REP. NO. **2761**

Honolulu, Hawaii

FEB 29 2024

RE: S.B. No. 2439
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2439 entitled:

"A BILL FOR AN ACT RELATING TO LIMITATION OF ACTIONS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Extend the statute of limitations for civil actions brought by persons subjected to sexual offenses as an adult against the person who committed the act;
- (2) Revive for a one year period certain actions for which the statute of limitations had previously lapsed;
- (3) Allow a claim to be brought against legal entities during the one year window period if there is a finding of gross negligence; and
- (4) Authorize a court to award attorney's fees to a defendant when an accusation of sexual abuse was made with no basis in fact and with malicious intent.

Your Committee received testimony in support of this measure from the Hawaii Association for Justice, Stonewall Caucus of the Democratic Party of Hawai'i, Rainbow Family 808, and five individuals.



Your Committee received testimony in opposition to this measure from the American Tort Reform Association.

Your Committee received comments on this measure from the Department of the Attorney General, American Association of University Women, and one individual.

Your Committee finds that victims of sexual abuse may need additional time before they are ready to file a lawsuit. This measure will allow the filing of time-barred civil claims related to sexual abuse that occurred while the person was an adult and is modeled after section 657-1.8, Hawaii Revised Statutes, which concerns civil actions arising from the sexual abuse of a minor. Both the existing statute and this measure set requirements to bring claims, including a notarized statement by a licensed psychologist, marriage and family therapist, mental health counselor, or clinical social worker who is knowledgeable of the facts of the claim. Your Committee notes that the window for minors to bring claims under section 657-1.8, Hawaii Revised Statutes, was extended several times, for a total of eight years, having been enacted in 2012, extended in 2014 and 2018, and finally expiring in 2020. This measure will account for the challenges that victims of sexual abuse face when electing to pursue justice.

Your Committee has amended this measure by increasing the period allowing certain actions to be brought by persons subjected to sexual offenses as an adult for which the statute of limitations had previously lapsed from one year to four years.

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. 2439, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2439, 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
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:*	Committee Referral:	Date:
SB 2439	JDC	02 09 24

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)	/			
GABBARD, Mike (VC)				/
ELEFANTE, Brandon J.C.	/			
SAN BUENAVENTURA, Joy A.		/		
AWA, Brenton				/
TOTAL	2	1		2

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature:



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***Only one measure per Record of Votes**