

STAND. COM. REP. NO. 2230

Honolulu, Hawaii

FEB 12 2024

RE: S.B. No. 238  
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 Health and Human Services, to which was referred S.B. No. 238 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Expand the time period by which a civil action for childhood sexual abuse may be initiated, including an otherwise time-barred action; and
- (2) Authorize a court to require personnel of legal entities to undergo training on trauma-informed response.

Your Committee received testimony in support of this measure from the Stonewall Caucus of the Democratic Party of Hawai'i, Democratic Party of Hawai'i, American Association of University Women Hawai'i, Kapiolani Sex Abuse Treatment Center, Hawaii Association for Justice, Imua Alliance, Rainbow Family 808, Hawai'i Youth Services Network, Hawaii Young Republicans, Hawai'i State Coalition Against Domestic Violence, Aloha United Way, CARES, and twelve individuals.

Your Committee received testimony in opposition to this measure from one individual.



Your Committee received comments on this measure from the Department of the Attorney General and Roman Catholic Church in Hawai'i.

Your Committee finds that victims of childhood sexual abuse experience long-term damaging effects that cause significant disruptions in their lives. Your Committee also finds that survivors of childhood sexual abuse more often than not will withhold disclosure for years, if not decades, due to fear of retaliation or further harm. This measure will provide survivors of childhood sexual abuse with additional time to bring claims and seek justice against their abusers and prevent future harm by the legal entity against whom the claim was brought.

Your Committee notes the concerns raised in testimony with regard to allowing child sexual abuse victims to be monetarily compensated. Your Committee also notes concerns regarding this measure extending the statute of limitations by not just years, but decades, which would likely prejudice the parties involved in a lawsuit as the integrity of the evidence becomes strained and memories fade, witnesses relocate or pass away, and documents are lost or destroyed. Amendments to this measure are therefore necessary to address these concerns.

Your Committee has amended this measure by:

- (1) Deleting section 2 of the measure, which would have:
  - (A) Expanded the time period by which a civil action for childhood sexual abuse may be initiated; and
  - (B) Authorize a court to require personnel of legal entities to undergo training on trauma-informed response;
- (2) Inserting language to establish a working group to examine:
  - (A) Reparations for victims of child sexual abuse; and
  - (B) The fiscal impact on childcare insurance providers, including increases in insurance premiums;



- (3) Adding the following members to the working group:
  - (A) The Chairperson of the Women's Legislative Caucus;
  - (B) The Attorney General or the Attorney General's designee;
  - (C) The Insurance Commissioner or the Insurance Commissioner's designee;
  - (D) One member from the Hawaii Association for Justice to be invited by the Chairperson;
  - (E) One member from the Hawaii State Bar Association Insurance Coverage Litigation to be invited by the Chairperson; and
  - (F) Any other members selected or invited by the President of the Senate or the Speaker of the House of Representatives;
- (4) Requiring the working group to submit a report to the Legislature no later than twenty days prior to the convening of the Regular Session of 2025;
- (5) Amending section 1 to reflect its amended purpose; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Health and Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 238, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 238, S.D. 1, and be referred to your Committee on Judiciary.



Respectfully submitted on  
behalf of the members of the  
Committee on Health and Human  
Services,



JOY A. SIN BUENAVENTURA, Chair



