

JAN 23 2026

A BILL FOR AN ACT

RELATING TO CRIMINAL PROCEEDINGS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that sexual assault is
2 one of the most underreported and traumatically enduring crimes.
3 Victims often delay reporting for years or decades due to fear,
4 shame, trauma, or the influence or coercion of their assailants.
5 Additionally, every victim of sexual assault lives with the
6 consequences of the crime for the rest of their lives, with no
7 statute of limitations on their pain, trauma, or need for
8 justice.

9 The legislature further finds that any legal time limit
10 that shields perpetrators and prevents sexual assault cases from
11 being heard in court is fundamentally unjust. The legislature
12 believes that every sexual assault case, whether a felony or
13 misdemeanor, deserves to be heard in court without statutory
14 time barriers that prioritize procedural technicalities over
15 justice for victims.

16 Accordingly, the purpose of this Act is to:



1 (1) Allow for a prosecution for any offense or attempt of
2 any offense under parts V and VI of chapter 707,
3 Hawaii Revised Statutes, to be brought at any time;
4 and

5 (2) Prohibit the dismissal of the prosecution of any
6 offense or attempt of any offense under parts V and VI
7 of chapter 707, Hawaii Revised Statutes, solely
8 because a period of time has elapsed between the
9 commission of the offense and commencement or
10 continuation of the prosecution.

11 SECTION 2. Section 701-108, Hawaii Revised Statutes, is
12 amended to read as follows:

13 **"§701-108 Time limitations.** (1) A prosecution for
14 murder, murder in the first and second degrees, attempted
15 murder, attempted murder in the first and second degrees,
16 criminal conspiracy to commit murder in any degree, criminal
17 solicitation to commit murder in any degree, [~~sexual assault in~~
18 ~~the first and second degrees,~~] any offense or attempt of any
19 offense under parts V and VI of chapter 707, and sex
20 trafficking[, and continuous sexual assault of a minor under the
21 age of fourteen years] may be commenced at any time.



1 (2) Except as otherwise provided in this section,
2 prosecutions for other offenses are subject to the following
3 periods of limitation:

4 (a) A prosecution for manslaughter where the death was not
5 caused by the operation of a motor vehicle must be
6 commenced within ten years after it is committed;

7 (b) A prosecution for a class A felony must be commenced
8 within six years after it is committed;

9 (c) A prosecution for any felony under part IX of chapter
10 708 must be commenced within five years after it is
11 committed;

12 (d) A prosecution for any other felony must be commenced
13 within three years after it is committed;

14 (e) A prosecution for a misdemeanor or parking violation
15 must be commenced within two years after it is
16 committed; and

17 (f) A prosecution for a petty misdemeanor or a violation
18 other than a parking violation must be commenced
19 within one year after it is committed.

20 (3) If the period prescribed in subsection (2) has
21 expired, a prosecution may nevertheless be commenced for:



- 1 (a) Any offense an element of which is fraud, deception as
2 defined in section 708-800, or a breach of fiduciary
3 obligation or the offense of medical assistance fraud
4 under section 346-43.5, within three years after
5 discovery of the offense by an aggrieved party or by a
6 person who has a legal duty to represent an aggrieved
7 party and who is oneself not a party to the offense,
8 but in no case shall this provision extend the period
9 of limitation by more than six years from the
10 expiration of the period of limitation prescribed in
11 subsection (2);
- 12 (b) Any offense based on misconduct in office by a public
13 servant at any time when the defendant is in public
14 office or employment or within two years thereafter,
15 but in no case shall this provision extend the period
16 of limitation by more than three years from the
17 expiration of the period of limitation prescribed in
18 subsection (2); and
- 19 (c) Any felony offense involving evidence containing
20 deoxyribonucleic acid from the offender, if a test
21 confirming the presence of deoxyribonucleic acid is



1 performed prior to expiration of the period of
2 limitation prescribed in subsection (2), but in no
3 case shall this provision extend the period of
4 limitation by more than ten years from the expiration
5 of the period of limitation prescribed in subsection
6 (2).

7 (4) An offense is committed either when every element
8 occurs, or, if a legislative purpose to prohibit a continuing
9 course of conduct plainly appears, at the time when the course
10 of conduct or the defendant's complicity therein is terminated.
11 Time starts to run on the day after the offense is committed.

12 (5) A prosecution is commenced either when an indictment
13 is found or a complaint filed, or when an arrest warrant or
14 other process is issued [7]; provided that [~~such~~] the warrant or
15 process is executed without unreasonable delay.

16 (6) The period of limitation does not run:

17 (a) During any time when the accused is continuously
18 absent from the State or has no reasonably
19 ascertainable place of abode or work within the State,
20 but in no case shall this provision extend the period
21 of limitation by more than four years from the



1 expiration of the period of limitation prescribed in
2 subsection (2); or

3 (b) During any time when a prosecution against the accused
4 for the same conduct is pending in this State [~~;~~ ~~or~~

5 ~~(c) For any felony offense under chapter 707, part V or~~
6 ~~VI, during any time when the victim is alive and under~~
7 ~~eighteen years of age].~~

8 (7) Notwithstanding any other law to the contrary, no
9 prosecution for any offense or attempt of any offense under
10 parts V and VI of chapter 707 shall be dismissed solely because
11 a period of time has elapsed between the commission of the
12 offense and the commencement or continuation of the prosecution;
13 provided that the identity of the accused may be established
14 through evidence, including through deoxyribonucleic acid
15 evidence.

16 [~~(7) As used in~~] (8) For the purposes of this section,
17 "public servant" [~~shall have~~] has the same meaning as defined in
18 section 710-1000."

19 SECTION 4. This Act shall apply to offenses committed
20 before, on, or after its effective date, regardless of whether
21 the previously applicable statute of limitations has expired;



1 provided that the prosecution has not been finally adjudicated
2 or barred by a final judgment before the effective date of this
3 Act.

4 SECTION 5. If any provision of this Act, or the
5 application thereof to any person or circumstance, is held
6 invalid, the invalidity does not affect other provisions or
7 applications of the Act that can be given effect without the
8 invalid provision or application, and to this end the provisions
9 of this Act are severable.

10 SECTION 6. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 7. This Act shall take effect upon its approval.

13

INTRODUCED BY: Mike Gebhard



S.B. NO. 2584

Report Title:

Statute of Limitations; Sexual Assault; Repeal; Criminal Offenses; Procedure; Prosecution; Dismissal; Prohibition

Description:

Allows for a prosecution for any offense or attempt of any offense under parts V and VI of chapter 707, Hawaii Revised Statutes, to be brought at any time. Prohibits the dismissal of the prosecution of any offense or attempt of any offense under parts V and VI of chapter 707, Hawaii Revised Statutes, solely because a period of time has elapsed between the commission of the offense and commencement or continuation of the prosecution.

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