

ACT 112

S.B. NO. 2687

A Bill for an Act Relating to Limitation of Actions.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 657-1.8, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

“(a) Notwithstanding any law to the contrary, except as provided under subsection (b), no action for recovery of damages based on physical, psychological, or other injury or condition suffered by a minor arising from the sexual abuse of the minor by any person shall be commenced against the person who committed the act of sexual abuse more than:

- (1) Eight years after the eighteenth birthday of the minor or the person who committed the act of sexual abuse attains the age of majority, whichever occurs later; or
- (2) Three years after the date the minor discovers or reasonably should have discovered that psychological injury or illness occurring after the age of minor’s eighteenth birthday was caused by the sexual abuse,

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whichever comes later.

A civil cause of action for the sexual abuse of a minor shall be based upon sexual acts that constituted or would have constituted a criminal offense under part V or VI of chapter 707.

(b) For a period of ~~[two]~~ four years after ~~[[April 24, 2012]]~~, a victim of child sexual abuse that occurred in this State ~~[who had been barred from filing a claim against the victim's abuser due to the expiration of the applicable civil statute of limitations that was in effect prior to [April 24, 2012].]~~ may file a claim in a circuit court of this State against the person who committed the act of sexual abuse~~[-]~~ if the victim is barred from filing a claim against the victim's abuser due to the expiration of the applicable civil statute of limitations that was in effect prior to April 24, 2012.

A claim may also be brought under this subsection against a legal entity~~[- except the State or its political subdivisions.]~~ if:

- (1) The person who committed the act of sexual abuse against the victim was employed by an institution, agency, firm, business, corporation, or other public or private legal entity that owed a duty of care to the victim; or
- (2) The person who committed the act of sexual abuse and the victim were engaged in an activity over which the legal entity had a degree of responsibility or control.

Damages against the legal entity shall be awarded under this subsection only if there is a finding of gross negligence on the part of the legal entity.”

SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved June 20, 2014.)