

JAN 25 2006

A BILL FOR AN ACT

RELATING TO LIMITATION OF ACTIONS.

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

1 SECTION 1. Section 657-7, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§657-7 Damage to persons or property.** (a) Actions for
4 the recovery of compensation for damage or injury to persons or
5 property shall be instituted within two years after the cause of
6 action accrued, and not after, except as provided in subsections
7 (b) and (c) and section 657-13.

8 (b) An action for recovery of compensation for injury to
9 persons that arises from an act that constitutes an offense
10 under part V or VI of chapter 707 and was committed during the
11 minority of the person who suffered the injury shall be
12 instituted not later than twenty years after the person reaches
13 the age of majority.

14 (c) If the period specified by subsection (b) has expired,
15 an action may nonetheless be instituted within thirty-five years
16 after the person reached the age of majority if the action is
17 instituted before July 1, 2007.



1 (d) An action permitted under subsection (b) or (c) shall
2 not be precluded by the fact that the defendant was not charged
3 for an act that would constitute an offense under part V or VI
4 of chapter 707 or, if charged, was acquitted or obtained
5 dismissal of the charges."

6 SECTION 2. Section 657-7, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "**§657-7 Damage to persons or property.** (a) Actions for
9 the recovery of compensation for damage or injury to persons or
10 property shall be instituted within two years after the cause of
11 action accrued, and not after, except as provided in subsections
12 (b) and (c) and section 657-13.

13 (b) An action for recovery of compensation for injury to
14 persons that arises from an act that constitutes an offense
15 under part V or VI of chapter 707 and was committed during the
16 minority of the person who suffered the injury shall be
17 instituted not later than twenty years after the person reaches
18 the age of majority. An action permitted under this subsection
19 shall not be precluded by the fact that the defendant was not
20 charged for an act that would constitute an offense under part V
21 or VI of chapter 707 or, if charged, was acquitted or obtained
22 dismissal of the charges."



1 SECTION 3. If any provision of this Act, or the
 2 application thereof to any person or circumstance is held
 3 invalid, the invalidity does not affect other provisions or
 4 applications of the Act, which can be given effect without the
 5 invalid provision or application, and to this end the provisions
 6 of this Act are severable.

7 SECTION 4. New statutory material is underscored.

8 SECTION 5. This Act shall take effect upon its approval;
 9 provided that section 1 shall be repealed on June 30, 2007, and
 10 section 2 shall take effect on July 1, 2007.

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INTRODUCED BY:

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SB3265

Report Title:

Torts; Statute of Limitations; Child Sex Abuse

Description:

Extends the statute of limitations for a civil action based on child sex abuse to 20 years after the victim reaches age of majority. Provides a 1-year window to bring an action for child sex abuse if the extended statute of limitations has expired, provided that no more than 35 years has passed since the victim reached the age of majority.

