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# A BILL FOR AN ACT

RELATING TO LIMITATION OF ACTIONS.

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

1           SECTION 1. Chapter 657, Hawaii Revised Statutes, is  
2 amended by adding a new section to part I to be appropriately  
3 designated and to read as follows:

4           "§657- Civil action arising from sexual offenses;  
5 application; certificate of merit. (a) Notwithstanding any law  
6 to the contrary, an action for recovery of damages based on  
7 physical, psychological, or other injury or condition suffered  
8 as a result of the direct conduct of another committed against a  
9 minor that would constitute a violation of part V or VI of  
10 chapter 707 or an offense that was in effect before the  
11 effective date of this section and that, if committed on or  
12 after the effective date of this section, has the same elements  
13 of an offense listed in this section, may be commenced at any  
14 time.

15           (b) Any cause of action that is barred as of the effective  
16 date of this section due to the applicable statute of limitation  
17 period expiring shall be revived pursuant to this section, and a



1 civil action may be commenced within one year after the  
2 effective date of this section subject to subsection (c).

3 (c) Any cause of action brought pursuant to subsection (b)  
4 shall be:

5 (1) Commenced for conduct that was committed against the  
6 minor thirty-five years or less before the effective  
7 date of this section; or

8 (2) Commenced within thirty-five years after the minor  
9 attained the age of eighteen years.

10 (d) In any civil action filed pursuant to subsection (b),  
11 a certificate of merit shall be filed by the attorney for the  
12 plaintiff. The certificate of merit shall contain a notarized  
13 statement by a psychologist who is licensed pursuant to chapter  
14 465, a marriage and family therapist who is licensed pursuant to  
15 chapter 451J, a mental health counselor who is licensed pursuant  
16 to chapter 453D, or a licensed clinical social worker who is  
17 licensed pursuant to chapter 467E and who is knowledgeable in  
18 the relevant facts and issues involved in the particular action.  
19 The certificate of merit shall state in reasonable detail the  
20 facts and opinions that the psychologist, marriage and family  
21 therapist, mental health counselor, or licensed clinical social  
22 worker has relied on for concluding that there is a reasonable



1 basis to believe that the plaintiff has been subject to one or  
2 more acts that would constitute an offense listed in subsection  
3 (a). The psychologist, marriage and family therapist, mental  
4 health counselor, or licensed clinical social worker providing  
5 the statement may not be a party to the litigation. Only one  
6 certificate of merit shall be filed for each action, even if  
7 more than one defendant is named in the complaint or is  
8 subsequently named."

9 SECTION 2. The revisor of statutes shall insert the  
10 effective date of this Act in the appropriate places in section  
11 1 of this Act.

12 SECTION 3. New statutory material is underscored.

13 SECTION 4. This Act shall take effect upon its approval.

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**Report Title:**

Limitation of Actions; Sexual Offenses Against Minors

**Description:**

Eliminates the statute of limitations for civil actions brought by persons subjected to sexual offenses as a minor. Revives for one year certain actions for which the statute of limitations had previously lapsed. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

