

Honolulu, Hawaii

Feb 6, 2012

RE: H.B. No. 2139
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred H.B. No. 2139 entitled:

"A BILL FOR AN ACT RELATING TO LIMITATION OF ACTIONS,"

begs leave to report as follows:

The purpose of this measure is to safeguard minors from sexual offenses by:

- (1) Extending the statute of limitations for civil actions brought by persons subjected to sexual offenses as a minor against the person who committed the act;
- (2) Reviving for a two-year period certain actions for which the statute of limitations had previously lapsed; and
- (3) Authorizing a court to award attorney's fees to a defendant when an accusation of sexual abuse was made with no basis in fact and with malicious intent.

Two concerned individuals supported this bill. A concerned individual supported the intent of this measure. The Hawaii Catholic Conference opposed this measure. The Department of the Attorney General and a concerned individual offered comments on this measure.

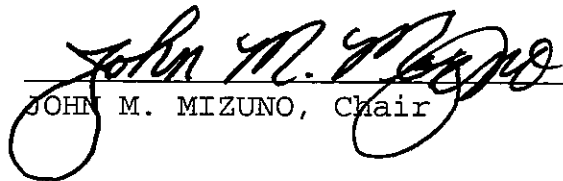


Your Committee has amended this bill by:

- (1) Specifying that the certificate of merit required with the filing of a civil action pursuant to this measure shall include a notarized statement by a psychologist, marriage and family therapist, mental health counselor, or a clinical social worker, who, while knowledgeable of the relevant facts and issues, is not currently treating and has not previously treated the plaintiff;
- (2) Changing its effective date to July 1, 2050, to promote further discussion; and
- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2139, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2139, H.D. 1, and be referred to the Committee on Judiciary.

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


JOHN M. MIZUNO, Chair



