

Honolulu, Hawaii

March 15, 2012

RE: S.B. No. 2588  
S.D. 1  
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 S.B. No. 2588, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to provide victims of sexual abuse additional time to bring a civil action against an individual or entity. Specifically, this measure:

- (1) Extends the statute of limitations to allow individuals subjected to sexual offenses as a minor to bring a civil action after they have reached the age of majority against the individual who committed the offense;
- (2) Provides a two-year window period for a victim of child sexual abuse to bring a civil action against the abuser, even though the statute of limitations period has lapsed;
- (3) Authorizes the court to award the recovery of attorney's fees to the defendant if the sexual abuse accusation was made with no basis in fact and with malicious intent; and
- (4) Requires a plaintiff to file with the court a certificate of merit that shall be sealed and remain



confidential and includes a notarized statement upon which it can be reasonably concluded the plaintiff was a victim of a sexual offense.

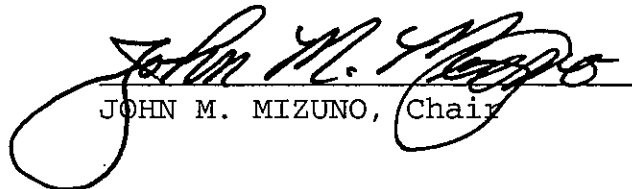
Several concerned individuals supported the measure. The Sex Abuse Treatment Center supported the intent of the measure. The Hawaii Catholic Conference opposed the measure. The Attorney General and a concerned individual offered comments on the measure.

Your Committee has amended this measure by:

- (1) Requiring the notarized statement be provided by a mental health care professional or other specified professional who is not currently treating nor had 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 S.B. No. 2588, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2588, S.D. 1, 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



State of Hawaii  
House of Representatives  
The Twenty-sixth Legislature

HSCR 1013-12

**Record of Votes of the Committee on Human Services**

Bill/Resolution No.: <b>SB 2588, SDI</b>	Committee Referral: <b>HUS, JUD, FIN</b>	Date: <b>3/12/12</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
HUS Members	Ayes	Ayes (WR)	Nays	Excused
1. MIZUNO, John M. (C)	✓			
2. JORDAN, Jo (VC)	✓			
3. BELATTI, Della Au	✓			
4. HANOHANO, Faye P.	✓			
5. LEE, Chris	✓			
6. MORIKAWA, Dee	✓			
7. WOOLEY, Jessica				✓
8. YAMANE, Ryan I.	✓			
9. CHING, Corinne W.L.	✓			
10. PINE, Kymberly Marcos				✓
<b>TOTAL (10)</b>	<b>8</b>			<b>2</b>
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: small;">committee acronym(s)</div>				
Vice Chair's or designee's signature: _____				
Distribution:    Original (White) – Committee    Duplicate (Yellow) – Chief Clerk's Office    Duplicate (Pink) – HMSO				