

Honolulu, Hawaii

April 5, 2012

RE: S.B. No. 2588
S.D. 1
H.D. 3

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

Sir:

Your Committee on Finance, to which was referred S.B. No. 2588, S.D. 1, H.D. 2, 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 include a notarized statement, provided by a mental health care professional or other specified professional, upon which it can be reasonably concluded the plaintiff was a victim of a sexual offense.

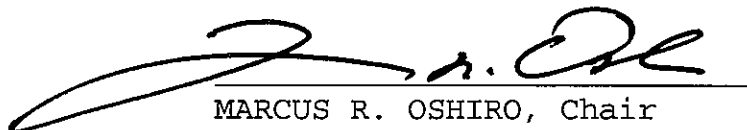
Two concerned individuals supported the measure. The Attorney General and the Hawaii Catholic Conference opposed the measure. The Department of the Corporation Counsel of the City and County of Honolulu, The Sex Abuse Treatment Center, and a concerned individual offered comments on the measure.

Your Committee has amended this measure by:

- (1) Excluding the State and its political subdivisions as legal entities against whom a claim for gross negligence may be brought during the two-year window period; and
- (2) Changing its effective date to upon approval.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2588, S.D. 1, H.D. 2, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2588, S.D. 1, H.D. 3.

Respectfully submitted on
behalf of the members of the
Committee on Finance,


MARCUS R. OSHIRO, Chair



