

Honolulu, Hawaii

MAR 01 2012

RE: S.B. No. 2588

S.D. 1

Honorable Shan S. Tsutsui  
President of the Senate  
Twenty-Sixth State Legislature  
Regular Session of 2012  
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred  
S.B. No. 2588 entitled:

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

begs leave to report as follows:

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

- (1) Extends the statute of limitations from six to eight  
years to allow individuals subjected to sexual offenses  
as a minor to bring a civil action against the  
individual who committed the offense;
- (2) Provides a two-year period for a victim after the lapse  
of the statute of limitations to bring a civil action  
against an entity, except for the State, when the entity  
was grossly negligent;
- (3) Authorizes the court to award the recovery of attorney's  
fees to the defendant if the sexual abuse accusation was  
made without basis of fact and with malicious intent;  
and
- (4) Requires a plaintiff to file with the court a  
certificate of merit acknowledging the basis that  
reasonably concludes the plaintiff was a victim of a  
sexual offense.



Your Committee received testimony in support of this measure from the Sex Abuse Treatment Center at the Kapiolani Medical Center for Women & Children; and four private individuals. Testimony in opposition to this measure was submitted by the Hawaii Catholic Conference. The Department of the Attorney General and two private individuals submitted comments.

Your Committee finds that child sex abuse is an epidemic that unfortunately is not adequately addressed because a vast majority of child abuse victims fail to go to the authorities. As a result, claims expire before these victims are capable of seeking court action. Many victims suffer the effects of sexual abuse in silence due to the shame and secrecy of this act while their perpetrators remain hidden with a potential opportunity to sexually abuse additional victims. This measure protects children from sexual abuse by allowing additional time for victims to seek action.

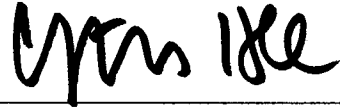
Your Committee has amended this measure by:

- (1) Adopting the suggestion from the Department of the Attorney General to delete repetitive language that may cause confusion regarding when the statute of limitations begins to toll;
- (2) Requiring that the plaintiff's certificate of merit be sealed and remain confidential; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2588, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2588, S.D. 1, and be placed on the calendar for Third Reading.



Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary and  
Labor,



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CLAYTON HEE, Chair



