

JAN 17 2013

A BILL FOR AN ACT

RELATING TO LIMITATION OF ACTIONS.

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

1 SECTION 1. Section 657-1, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§657-1 Six years.** [~~The~~] Except as provided by section
4 657-1.8, the following actions shall be commenced within six
5 years next after the cause of action accrued, and not after:

6 (1) Actions for the recovery of any debt founded upon any
7 contract, obligation, or liability, excepting such as
8 are brought upon the judgment or decree of a court;
9 excepting further that actions for the recovery of any
10 debt founded upon any contract, obligation, or
11 liability made pursuant to chapter 577A shall be
12 governed by chapter 577A;

13 (2) Actions upon judgments or decrees rendered in any
14 court not of record in the State, or, subject to
15 section 657-9, in any court of record in any foreign
16 jurisdiction;

17 (3) Actions for taking or detaining any goods or chattels,
18 including actions in the nature of replevin;



1 (4) Personal actions of any nature whatsoever not
2 specifically covered by the laws of the State."

3 SECTION 2. Section 657-1.8, Hawaii Revised Statutes, is
4 amended by amending subsections (a) and (b) to read as follows:

5 "(a) Notwithstanding any law to the contrary, [nø] an
6 action for recovery of damages based on physical, psychological,
7 or other injury or condition suffered by a minor arising from
8 the sexual abuse of the minor by any person [~~shall~~] may be
9 commenced against the person who committed the act of sexual
10 abuse [~~more than:~~

11 ~~(1) Eight years after the eighteenth birthday of the minor~~
12 ~~or the person who committed the act of sexual abuse~~
13 ~~attains the age of majority, whichever occurs later;~~
14 ~~or~~

15 ~~(2) Three years after the date the minor discovers or~~
16 ~~reasonably should have discovered that psychological~~
17 ~~injury or illness occurring after the age of minor's~~
18 ~~eighteenth birthday was caused by the sexual abuse,~~
19 ~~whichever comes later.] at any time.~~

20 A civil cause of action for the sexual abuse of a minor
21 shall be based upon sexual acts that constituted or would have



1 constituted a criminal offense under part V or VI of chapter
2 707.

3 (b) For a period of two years after the effective date of
4 Act [~~687~~] _____, Session Laws of Hawaii [~~20127~~] 2013, a victim of
5 child sexual abuse that occurred in this State who had been
6 barred from filing a claim against the victim's abuser due to
7 the expiration of the applicable civil statute of limitations
8 that was in effect prior to the effective date of Act [~~687~~] _____,
9 Session Laws of Hawaii [~~20127~~] 2013, may file a claim in a
10 circuit court of this State against the person who committed the
11 act of sexual abuse.

12 A claim may also be brought under this subsection against a
13 legal entity, except the State or its political subdivisions,
14 if:

15 (1) The person who committed the act of sexual abuse
16 against the victim was employed by an institution, agency, firm,
17 business, corporation, or other public or private legal entity
18 that owed a duty of care to the victim; or

19 (2) The person who committed the act of sexual abuse and
20 the victim were engaged in an activity over which the legal
21 entity had a degree of responsibility or control.



S.B. NO. 79

1 Damages against the legal entity shall be awarded under
2 this subsection only if there is a finding of gross negligence
3 on the part of the legal entity."

4 SECTION 3. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 4. In printing this Act, the revisor of statutes
7 shall insert the number of this Act in section 657-1.8(b),
8 Hawaii Revised Statutes.

9 SECTION 5. This Act shall take effect upon its approval.

10

INTRODUCED BY: Will Eyo BR



S.B. NO. 79

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 against the person who committed the act.

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

