
A BILL FOR AN ACT

RELATING TO SEXUAL ASSAULT.

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

1 SECTION 1. Section 657-1.8, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:
3 "(a) Notwithstanding any law to the contrary, an action
4 for recovery of damages based on physical, psychological, or
5 other injury or condition suffered by an individual arising from
6 a sexual act that constituted or would have constituted sexual
7 assault in the first degree, sexual assault in the second
8 degree, or continuous sexual assault of a minor under the age of
9 fourteen years may be commenced at any time against the
10 perpetrator of the act; provided that no action for recovery of
11 damages based on physical, psychological, or other injury or
12 condition suffered by a minor arising from [~~the~~] sexual abuse of
13 the minor that constituted or would have constituted a criminal
14 offense under part V or VI of chapter 707, other than a criminal
15 offense under section 707-730, 707-731, or 707-733.6, by any
16 person shall be commenced against the person who committed the
17 act of sexual abuse more than:



1 (1) Eight years after the eighteenth birthday of the minor
2 or the person who committed the act of sexual abuse
3 attains the age of majority, whichever occurs later;
4 or

5 (2) Three years after the date the minor discovers or
6 reasonably should have discovered that psychological
7 injury or illness occurring after the age of minor's
8 eighteenth birthday was caused by the sexual abuse,
9 whichever comes later.

10 ~~[A civil cause of action for the sexual abuse of a minor~~
11 ~~shall be based upon sexual acts that constituted or would have~~
12 ~~constituted a criminal offense under part V or VI of chapter~~
13 ~~707.] "~~

14 SECTION 2. Section 701-108, Hawaii Revised Statutes, is
15 amended by amending subsection (1) to read as follows:

16 "(1) A prosecution for murder, murder in the first and
17 second degrees, attempted murder, and attempted murder in the
18 first and second degrees, criminal conspiracy to commit murder
19 in any degree, ~~[and]~~ criminal solicitation to commit murder in
20 any degree, sexual assault in the first and second degrees, and
21 continuous sexual assault of a minor under the age of fourteen
22 years may be commenced at any time."



1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.
3 SECTION 4. This Act shall take effect on July 1, 2050.



Report Title:

Statute of Limitations; Sexual Assault

Description:

Removes the statute of limitations for criminal actions arising from sexual assault in the first and second degrees and continuous sexual assault of a minor under the age of fourteen years, and for civil actions against the perpetrator of sexual assault in the first and second degrees and continuous sexual abuse of a minor under the age of fourteen years. Effective July 1, 2050. (HB2034 HD2)

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