

---

# 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 subsections (a) and (b) to read as follows:

3 "(a) Notwithstanding any law to the contrary, no action  
4 for recovery of damages based on physical, psychological, or  
5 other injury or condition suffered by a minor arising from the  
6 sexual abuse of the minor by any person shall be commenced  
7 against the person who committed the act of sexual abuse [~~more~~  
8 ~~than~~]:

9 (1) [~~Eight years after the eighteenth birthday of~~] After  
10 the minor attains the age of fifty-five or the person  
11 who committed the act of sexual abuse attains the age  
12 of majority, whichever occurs later; or

13 (2) [~~Three~~] More than three years after the date the minor  
14 discovers or reasonably should have discovered that  
15 psychological injury or illness occurring after the  
16 age of minor's eighteenth birthday was caused by the  
17 sexual abuse,

18 whichever comes later.



1 A civil cause of action for the sexual abuse of a minor  
2 shall be based upon sexual acts that constituted or would have  
3 constituted a criminal offense under part V or VI of chapter  
4 707.

5 (b) For a period of [~~two~~] seven years after [+]April 24,  
6 2012[+], a victim of child sexual abuse that occurred in this  
7 State who had been barred from filing a claim against the  
8 victim's abuser due to the expiration of the applicable civil  
9 statute of limitations that was in effect prior to [+]April 24,  
10 2012[+], may file a claim in a circuit court of this State  
11 against the person who committed the 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,  
17 agency, firm, business, corporation, or other public  
18 or private legal entity that owed a duty of care to  
19 the victim; or
- 20 (2) The person who committed the act of sexual abuse and  
21 the victim were engaged in an activity over which the



1           legal entity had a degree of responsibility or  
2           control.

3           Damages against the legal entity shall be awarded under  
4 this subsection only if there is a finding of gross negligence  
5 on the part of the legal entity[-]; provided that after  
6 April 23, 2014, damages against the legal entity shall be  
7 awarded under this subsection only if there is a finding of  
8 negligence on the part of the legal entity."

9           SECTION 2. Section 701-108, Hawaii Revised Statutes, is  
10 amended by amending subsection (6) to read as follows:

11           "(6) The period of limitation does not run:

12           (a) During any time when the accused is continuously  
13           absent from the State or has no reasonably  
14           ascertainable place of abode or work within the State,  
15           but in no case shall this provision extend the period  
16           of limitation by more than four years from the  
17           expiration of the period of limitation prescribed in  
18           subsection (2);

19           (b) During any time when a prosecution against the accused  
20           for the same conduct is pending in this State; or

21           (c) For any felony offense under chapter 707, part V or  
22           VI, during any time when the victim is alive and under



1            eighteen years of age[-]; provided that the period of  
2            limitation shall not run during any time when the  
3            victim is alive and under twenty-five years of age if  
4            the victim is a minor when the offenses of sexual  
5            assault in the first degree under section 707-730,  
6            sexual assault in the second degree under section  
7            707-731, and continuous sexual assault of a minor  
8            under the age of fourteen years under section  
9            707-733.6 are committed."

10           SECTION 3. Statutory material to be repealed is bracketed  
11 and stricken. New statutory material is underscored.

12           SECTION 4. This Act shall take effect on July 1, 2050.



**Report Title:**

Statute of Limitations; Sexual Assault; Criminal Actions; Civil Actions

**Description:**

Increases the statute of limitations from the victim attaining the age of twenty-six to fifty-five for the filing a civil action for the recovery of damages arising from the sexual abuse of the minor against the person who committed the act of sexual abuse. Extends the sunset date to allow a victim of child sexual abuse to bring a civil action against victim's abuser or an entity, except for the State or counties, if the statute of limitations for filing a civil claim has lapsed. Clarifies that after 04/23/14, damages against the legal entity in a sexual assault civil action in which the statute of limitations for filing a civil claim has lapsed shall be awarded only if there is a finding of negligence on the part of the legal entity. Clarifies that the statute of limitations for a criminal claim shall toll during any time that the victim is under twenty-five years of age for certain sexual assault crimes committed when the victim is a minor. Effective 07/01/50. (SD1)

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

