

JAN 17 2014

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 657-1.8, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 " (b) ~~[For a period of two years after [April 24, 2012], a]~~
4 A victim of child sexual abuse that occurred in this State ~~[who~~
5 ~~had been barred from filing a claim against the victim's abuser~~
6 ~~due to the expiration of the applicable civil statute of~~
7 ~~limitations that was in effect prior to [April 24, 2012],]~~ may
8 file a claim in a circuit court of this State against the person
9 who committed the act of sexual abuse~~[-]~~ if the victim is barred
10 from filing a claim against the victim's abuser due to the
11 expiration of the applicable civil statute of limitations that
12 was in effect prior to April 24, 2012, and has not attained the
13 age of fifty-five.

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

17 (1) The person who committed the act of sexual abuse
18 against the victim was employed by an institution,



1 agency, firm, business, corporation, or other public
2 or private legal entity that owed a duty of care to
3 the victim; or

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

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

11 SECTION 2. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 3. This Act, upon its approval, shall take effect
14 on April 23, 2014.

15

INTRODUCED BY:


Fzanne Crum Oakland



S.B. NO. 2687

Report Title:

Statute of Limitations; Civil Actions; Sexual Abuse of a Minor

Description:

Allows a victim of child sexual abuse to bring a civil action against victim's abuser or an entity, except for the State or counties, when the entity was grossly negligent, if the statute of limitations for filing a civil claim has lapsed and the victim has not yet attained the age of fifty-five. Effective 4/23/2014.

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

