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# 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 as follows:

3 1. By amending subsection (b) to read:

4 "(b) [~~For a period of two years after [April 24, 2012], a~~  
5 A victim of child sexual abuse that occurred in this State [who  
6 had been barred from filing a claim against the victim's abuser  
7 due to the expiration of the applicable civil statute of  
8 limitations that was in effect prior to [April 24, 2012],] may  
9 file a claim in a circuit court of this State against the person  
10 who committed the act of sexual abuse[-] if the victim is barred  
11 from filing a claim against the victim's abuser due to the  
12 expiration of the applicable civil statute of limitations that  
13 was in effect prior to April 24, 2012.

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 2. By amending subsection (d) to read:

12 "(d) In any civil action filed pursuant to subsection (a)  
13 or (b), a certificate of merit shall be filed by the attorney  
14 for the plaintiff, and shall be sealed and remain confidential.

15 The certificate of merit shall include a notarized statement by  
16 a:

- 17 (1) Psychologist licensed pursuant to chapter 465;
- 18 (2) Marriage and family therapist licensed pursuant to  
19 chapter 451J;
- 20 (3) Mental health counselor licensed pursuant to chapter  
21 453D; or



1           (4) Clinical social worker licensed pursuant to chapter  
2                   467E;  
3 who is knowledgeable in the relevant facts and issues involved  
4 in the action, who is not a party to the action.

5           The notarized statement included in the certificate of  
6 merit shall set forth in reasonable detail the facts and  
7 opinions relied upon to conclude that there is a reasonable  
8 basis to believe that the plaintiff was subject to one or more  
9 acts that would result in an injury or condition specified in  
10 [+]subsection[+] (a). The court, plaintiff, or any person  
11 enumerated under paragraphs (1) to (4) shall not be required to  
12 disclose the contents of the sealed certificate of merit to  
13 fulfill the requirements under this section."

14           SECTION 2. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

16           SECTION 3. This Act shall take effect on July 1, 2080.



**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 the victim's abuser or an entity with a duty of care, with the exception of the State or its political subdivisions, if the statute of limitations for filing a civil claim has lapsed. Prohibits the court, plaintiff, or author of a notarized statement of facts from being required to disclose the contents of a sealed certificate of merit. Effective July 1, 2080. (SB2687 HD1)

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

