

Honolulu, Hawaii

**April 24**, 2014

RE: H.B. No. 2034  
H.D. 2  
S.D. 1  
C.D. 1

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Seventh State Legislature  
Regular Session of 2014  
State of Hawaii

Honorable Donna Mercado Kim  
President of the Senate  
Twenty-Seventh State Legislature  
Regular Session of 2014  
State of Hawaii

Sir and Madam:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 2034, H.D. 2, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO SEXUAL ASSAULT,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to provide survivors of sexual assault with additional time to engage with the legal system by:

- (1) Extending the statute of limitations for the filing of a civil action for the recovery of damages arising from the sexual abuse of a minor that constituted or would have constituted a criminal sexual offense or criminal child abuse to the later of:
  - (A) The victim attaining the age of fifty-five, rather than twenty-six; or the person who committed the sexual abuse attaining the age of majority; or



- (B) Three years after the victim discovers or should have discovered that the psychological injury or illness was caused by the sexual abuse;
- (2) Extending the allowable period by five additional years in which a victim of child sexual abuse may bring a civil action against the victim's abuser or an entity, except for the State or counties, if the statute of limitations for filing a civil claim as it existed prior to April 24, 2012, lapsed;
- (3) Clarifying that after April 23, 2014, damages against a legal entity in a sexual assault civil action within the allowable period after the statute of limitations has lapsed shall be awarded only if there is a finding of negligence on the part of the legal entity; and
- (4) Tolling the period of limitation for the criminal prosecution of sexual assault in the first and second degrees against a minor victim and continuous sexual assault of a minor under the age of fourteen until the victim is twenty-five years old.

Your Committee on Conference has amended this measure by:

- (1) Deleting all language applicable to extending or tolling the statute of limitations in civil actions;
- (2) Deleting language tolling the statute of limitations for criminal prosecution of sexual assault against a minor or continuous sexual assault of a minor under the age of fourteen years and inserting language that eliminates the statute of limitations for a criminal prosecution of sexual assault in the first or second degree and continuous sexual assault of a minor under the age of fourteen years; and
- (3) Making it effective upon its approval.

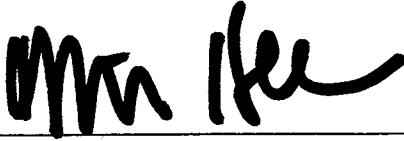
As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 2034, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 2034, H.D. 2, S.D. 1, C.D. 1.



Respectfully submitted on behalf  
of the managers:

ON THE PART OF THE SENATE

ON THE PART OF THE HOUSE



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CLAYTON HEE, Chair



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MELE CARROLL, Co-Chair



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MAILE S.L. SHIMABUKURO, Co-Chair



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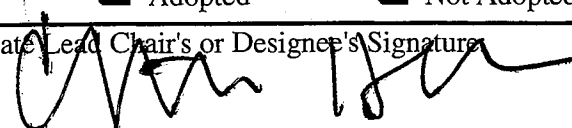
KARL RHOADS, Co-Chair



Hawaii State Legislature

CCR 57-14

Record of Votes of a  
Conference Committee

Bill / Concurrent Resolution No.: <b>HB 2034, HD 2, SD 1</b>					Date/Time: <i>4/28/14 5:40pm</i>						
<input checked="" type="checkbox"/> The recommendation of the House and Senate managers is to pass with amendments (CD).											
<input type="checkbox"/> The Committee is reconsidering its previous decision.											
<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure					<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.						
Senate Managers		A	WR	N	E	House Managers		A	WR	N	E
HEE, Clayton, Chr.		✓				CARROLL, Mele, Co-Chr.		✓			
SHIMABUKURO, Maile S.L., Co-Chr.		✓				RHOADS, Karl, Co-Chr.		✓			
GALUTERIA, Brickwood		✓				BROWER, Tom		✓			
IHARA, Les, Jr.					✓	FUKUMOTO, Beth			✓		
SLOM, Sam					✓						
<b>TOTAL</b>		<b>3</b>			<b>2</b>	<b>TOTAL</b>		<b>3</b>	<b>1</b>		
A = Aye		WR = Aye with Reservations			N = Nay		E = Excused				
Senate Recommendation is:						House Recommendation is:					
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted						<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted					
Senate Lead Chair's or Designee's Signature: 						House Lead Chair's or Designee's Signature: <i>Mele Carroll</i>					
<b>Distribution:</b>		<b>Original</b> <i>File with Conference Committee Report</i>			<b>Yellow</b> <i>House Clerk's Office</i>		<b>Pink</b> <i>Senate Clerk's Office</i>		<b>Goldenrod</b> <i>Drafting Agency</i>		