



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
TWENTY-NINTH LEGISLATURE, 2018**

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**ON THE FOLLOWING MEASURE:**

S.B. NO. 2719, RELATING TO SEXUAL VIOLENCE.

**BEFORE THE:**

SENATE COMMITTEE ON JUDICIARY

**DATE:** Tuesday, February 20, 2018                      **TIME:** 9:30 a.m.

**LOCATION:** State Capitol, Room 016

**TESTIFIER(S):** Russell A. Suzuki, Acting Attorney General, or  
Caron Inagaki, Deputy Attorney General

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Chair Taniguchi and Members of the Committee:

The Department of the Attorney General opposes this measure.

The purpose of this bill is to amend section 657-1.8 (a) and (b), Hawaii Revised Statutes, to extend the time in which a victim of child sexual abuse can bring a civil claim. The amendment to subsection (a) (1) extends the time in which a civil action can be brought against the alleged perpetrator from eight years to twenty-two years after the victim's eighteenth birthday and extends the time in subsection (a)(2) from three years to ten years after the date the minor discovers or should have discovered that a psychological injury was caused by the sexual abuse, whichever comes later. This bill also amends subsection (b) to allow an additional four-year "window" up to April 24, 2022, for otherwise time barred civil claims to be brought. Under subsection (b), claims can be brought not only against the alleged abuser but also against any legal entity that employed the alleged abuser or owed a duty of care to the victim, or if the legal entity had responsibility or control over the activity the victim and alleged abuser were engaged in, regardless of when the abuse may have occurred.

When section 657-1.8 first passed in 2012, the bill was highly publicized and the public was made aware that any victims of childhood sexual assault whose claims may have been untimely due to the applicable statute of limitations at that time, could have two years in which to now bring a civil lawsuit. Indeed, many civil lawsuits alleging acts of sexual assault that occurred many years, sometimes decades, earlier, were filed as a

result of the passage of this law. These lawsuits were also highly publicized. The bill was further amended in 2014, allowing for an additional two-year “window” up to April 24, 2016, for victims of sexual abuse to bring claims regardless of when the abuse occurred. We believe that the four-year window has allowed victims a fair opportunity to have a second chance to file a claim.

We oppose the further extension of time that extends the statute of limitations for as much as forty years after the alleged abuse occurred or ten years after the minor is already aware that he or she suffered psychological injury as a result of the abuse. We also oppose yet another opening of the “window” to file claims that are already time barred, for an additional four years until July 1, 2022, regardless of when the abuse occurred. The extended length of time raises due process concerns because the bill could severely prejudice the defendants in a lawsuit who may not be just the accused perpetrator but also any entity that may be subject to the law.

With this further extension, a victim could theoretically bring a lawsuit more than four decades after the sexual assault. Over the passage of time, memories fade, witnesses move or pass away, and documents are lost or destroyed. Most entities have records retention policies that call for the destruction of documents after a certain period of time. This is especially critical when the claim is simply a fabrication. A claimant could conceivably wait to file a lawsuit until the most strategically opportune time to prevent a defendant from defending against the lawsuit. A lawsuit could even be brought against a wrongfully accused individual after his or her death and there would be no opportunity for the accused to establish his or her innocence.

Just one example where this bill could be misapplied is in the instance of a minor who is a victim of sexual abuse of one of the identified crimes and is taken to a hospital to be treated. A medical care provider who examines the minor is mandated to report the suspected abuse. If no medical care provider reports the suspected abuse but there is a rational reason not to report, and the child is abused again, there may be grounds to file an action against the medical care provider and the hospital. However, because a lawsuit could be filed decades after the alleged assault, there may no longer be any

witnesses or documentation that would allow the medical care provider or hospital to defend itself in the lawsuit.

Furthermore, if medical care providers or hospitals can be sued at any time, insurance companies may refuse to issue errors and omissions policies or may raise their rates to such an extent that physicians could no longer afford to purchase insurance coverage.

Also, any claim against a medical care provider under this bill would be in direct conflict with section 657-7.3, HRS, which sets forth a specific limitation period for actions for medical torts.

We respectfully request that this bill be held.

# Law Office of Mark Gallagher

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February 16, 2018

To: Chair Taniguchi, Vice Chair Rhoads and Committee Members

From: Mark Gallagher

Re: Testimony in support of SB 2719

Relating To Sexual Violence

Thank you for scheduling a hearing providing the opportunity for testimony in support of S.B. No. 2719, Relating to Sexual Violence.

As a practicing Hawaii attorney, I have had the opportunity to represent numerous survivors of childhood sex abuse in pursuing justice under Hawaii's expired window statute which was open between April 2012 to April 2016. These claims represented a significant step forward in providing long delayed justice to survivors of childhood sex abuse. The proposed bill would represent another step forward in protecting children by holding accountable abusers and those responsible for them.

In allowing survivors of childhood sexual assault to bring civil claims against perpetrators who abused them and the institutions which employed or were responsible for the perpetrators, S.B. No. 2719 will preserve the rights of survivors who have not yet felt strong enough to face what happened to them.

We have seen an evolution of the nature of these claims. No doubt due to well publicized scandals on the mainland, the initial survivors to step forward were men who were deeply traumatized years ago and found a community of others who had gone through the same. The strength of the voices of these survivors together allowed them to move forward and effect change in the responsible institutions. Recently, as reflected in the #metoo movement and by the brave survivors who confronted U.S. Gymnastics physician Dr. Larry Nassar, another

group of survivors has learned they were not alone, that speaking their truth can help others and that together they are powerful and can create change. Other survivors like them, who are just now finding their voices, should have the opportunity to do so to the full extent possible.

Children who are abused often feel that they have no one to turn to. The abuse is held as a terrible secret between the victim and the abuser, and too often another responsible party who does nothing. The child, feeling powerless, tells no one and keeps the secret and the damage cascades through the years. As a result, even when an option to pursue justice as an adult is presented, it takes a survivor a significant amount of courage and time to seize the opportunity. The current statute of limitations rewards perpetrators who terrified their victims so much that the secrets remain buried even many years later. It is fundamentally unfair to rush these survivors merely to protect the repose of perpetrators in our midst.

Thank you for the opportunity to address this most important matter.

Very truly yours,  
Mark F. Gallagher

Executive Director  
Adriana Ramelli

Advisory Board

President  
Mimi Beams

Joanne H. Arizumi

Mark J. Bennett

Andre Bisquera

Kristen Bonilla

Marilyn Carlsmith

Dawn Ching

Senator (ret.)  
Suzanne Chun Oakland

Monica Cobb-Adams

Donne Dawson

Dennis Dunn

Steven T. Emura, MD

Councilmember  
Carol Fukunaga

Senator  
Josh Green, MD

David I. Haverly

Linda Jameson

Michael P. Matsumoto

Nadine Tenn Salle, MD

Deane Salter

Joshua A. Wisch

Date: February 20, 2018

To: The Honorable Brian Taniguchi, Chair  
The Honorable Karl Rhoads, Vice Chair  
Senate Committee on Judiciary

From: Justin Murakami, Policy Research Associate  
The Sex Abuse Treatment Center  
A Program of Kapi'olani Medical Center for Women & Children

RE: Testimony in Strong Support of S.B. 2719  
Relating to Sexual Violence

Good morning Chair Taniguchi, Vice Chair Rhoads, and members of the Senate Committee on Judiciary:

The Sex Abuse Treatment Center (SATC) strongly supports S.B. 2719, and respectfully asks that the Legislature pass this measure to extend the current civil statute of limitations for child sexual abuse cases and re-open a window period for survivors to bring previously time-barred cases to court.

Child sexual abuse remains a serious and ongoing threat to the safety, health and wellbeing of children and young people, and often has profound consequences for victims that continue throughout adulthood. According to the National Sexual Violence Resource Center, in the United States approximately 1 in 4 girls and 1 in 6 boys will be sexually abused before they turn 18 years old. On O'ahu, over half of the survivors of sexual violence that seek services at SATC experienced their victimization at age 17 or younger.

#### Extending the Civil Statute of Limitations for Child Sexual Abuse Cases

Many survivors of child sexual abuse do not disclose the abuse right away, and there are numerous reasons that a child might delay disclosing abuse. Children can blame themselves or be prevented from reporting due to intense feelings of fear, disbelief, anger, helplessness, betrayal and anxiety. Children may also not disclose abuse due to their stage of cognitive development, capacity to understand what happened, and ability to express their complaint. Finally, the majority of survivors know their perpetrator, who may be a family member, friend or acquaintance, and may be afraid of retaliation or the potential for a negative impact on their family or community.

Some studies have estimated that between 60% and 80% of child sexual abuse survivors withhold disclosure, and there is general consensus in the literature that many children who experience sexual abuse delay disclosure until adulthood. Of these, the average latency—the delay until the survivor is able to disclose their victimization—is approximately 20 years, with some survivors delaying up to 50

years. As children are most vulnerable to sexual abuse between the ages of 7 and 13, this places the average age of delayed disclosure in adulthood at approximately 27 to 33 years old.

Even more troubling, survivors of child sexual abuse who do disclose abuse are sometimes subjected to silencing and re-traumatizing reactions by the recipients of their disclosures. Survivors have reported that adults they told about their experiences with abuse sometimes blamed them, accused them of lying, minimized their disclosure, or subjected them to punishment or retaliation. Therefore, the fact that a survivor may have told someone that they were abused does not mean they had a meaningful opportunity to seek justice in the past.

Under the current civil statute of limitations in Hawai'i, most child sexual abuse cases would expire upon the victim's reaching the age of 26 years. This denies the ability to seek justice through the civil court system to the majority of child sexual abuse victims who disclose their abuse in adulthood.

We further recognize that the current civil statute of limitations also provides that a victim who discovers, in adulthood, that they have been injured as a result of child sexual abuse, has only 3 years to bring a civil suit. We note that this affords very little time for a survivor, who may be suffering significant physical and mental health consequences in adulthood as a result of the abuse, to both address those issues and be prepared to face their abuser in court.

S.B. 2719 extends the civil statute of limitations for child sexual abuse to 40 years of age, or, for victims who discover injury in adulthood, 10 years from the time of discovery. This ensures that many more survivors of child sexual abuse are afforded a realistic and fair opportunity to seek justice.

#### Re-Establishing a Window Period for Previously Time-Barred Cases

In 2012, Hawai'i opened a window period during which survivors of child sexual abuse were able to bring previously time-barred civil actions. That window closed in April of 2016, but, before it did, a number of survivors came forward with suits directly attributable to the law. Since its closure, others who would be able to bring civil lawsuits against their abusers have come forward and asked that the window period be reopened.

S.B. 2719 re-establishes a four-year window, providing survivors the opportunity to seek justice for themselves while meaningfully contributing to public safety. Studies, as well as widely reported cases both in Hawai'i and across the United States, have confirmed that many child sexual abusers are serial perpetrators. These offenders pose an ongoing and continual threat to the community, and can do so for decades.

When more survivors are able to come forward in a manner that respects the enormous bravery that an act of disclosure represents, perpetrators are identified and are barred from benefiting from the heinous, silencing nature of their crimes.

Thank you for this opportunity to testify in strong support of S.B. 2719.

Dear Chair Taniguchi, Vice Chair Rhodes, and committee members:

I am a survivor of childhood sex abuse and I support SB 2719.

Extending the window legislation for civil action is very important due to the nature of childhood sex abuse. Childhood sex abuse is confusing, creates feelings of shame, guilt and anger, and destroys your ability to trust. Your ability to connect with other people is crippled since you feel alone and that the abuse was your fault. Many people's lives have been ruined by sex abuse, with the life-long destructive effects on children, the most damning.

As a survivor, talking about the abuse is hard...as a male survivor, near impossible. Our culture and gender norms make it difficult for men to seek help. It can take many years after the abuse to even admit what happened, let alone seek the medical attention needed to accept and move on. In the past months, we've seen the affect childhood sex abuse has affected the survivors in the Kamehameha Schools case, ranging from depression, addiction, and suicide. My abuse was from 4<sup>th</sup> to 6<sup>th</sup> grade, yet the first time I told someone was when I was 27. I didn't take my recovery seriously until age 33, when I sought help from the Sex Abuse Treatment Center. Today, at 41, I am grateful that I am full of compassion and love for my 2 children, rather than the anger and shame that consumed me for so many years.

I ask the respected committee members today to please consider SB 2719, and to think about the other survivors out there suffering in silence. Their pain is real and debilitating. These survivors are your auntys, uncles, brothers, sisters, sons and daughters. The recent lawsuits in Hollywood and #metoo campaign in social media shows that sex assault affects more people than we could ever know. With this increase in awareness and social acceptability of also being a victim, please show that you acknowledge their suffering and support their recovery by giving them the chance to speak out against the perpetrators and feel whole again. Thank you.

Andre Bisquera



**SB-2719**

Submitted on: 2/18/2018 3:41:49 PM

Testimony for JDC on 2/20/2018 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Doris Segal Matsunaga	Testifying for Save Medicaid Hawaii	Support	No

Comments:

Date: February 20, 2018

To: The Honorable Brian Taniguchi, Chair

The Honorable Karl Rhoads, Vice Chair

Senate Committee on Judiciary

From: Doris Segal Matsunaga, Save Medicaid Hawaii

RE: Testimony in Strong Support of S.B. 2719 Relating to Sexual Violence

Dear Chair Taniguchi, Vice Chair Rhoads, and members of the Senate Committee on Judiciary:

Save Medicaid Hawaii strongly supports S.B. 2719, and respectfully asks that the Legislature pass this measure to extend the current civil statute of limitations for child sexual abuse cases and re-open a window period for survivors to bring previously time-barred cases to court.

Mahalo.

**SB-2719**

Submitted on: 2/17/2018 4:21:46 PM

Testimony for JDC on 2/20/2018 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Stacey Moniz	Testifying for Hawaii State Coalition Against Domestic Violence	Support	No

Comments:

Aloha and thank you for accepting out testimony in STRONG SUPPORT of SB2719 on behalf of the Hawaii State Coalition Against Domestic Violence and our 22 member organizations statewide. This is an important move to support survivors of sexual abuse and we urge you to support this important initiative. Mahalo.

**SB-2719**

Submitted on: 2/17/2018 5:50:10 PM

Testimony for JDC on 2/20/2018 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Melodie Aduja	Testifying for OCC Legislative Priorities Committee, Democratic Party of Hawaii	Support	No

Comments:

**PRESENTATION OF THE  
OAHU COUNTY COMMITTEE ON LEGISLATIVE PRIORITIES  
DEMOCRATIC PARTY OF HAWAII  
TO THE COMMITTEE ON JUDICIARY  
THE SENATE  
TWENTY-NINTH LEGISLATURE  
REGULAR SESSION OF 2018  
Tuesday, February 20, 2018  
9:30 a.m.**

Hawaii State Capitol, Conference Room 016

**RE: Testimony in Support** of SB 2719 RELATING TO SEXUAL VIOLENCE

To the Honorable Brian T. Taniguchi, Chair; the Honorable Karl Rhoad, Vice-Chair and the Members of the Committee on Judiciary:

Good morning. My name is Melodie Aduja. I serve as Chair of the Oahu County Committee ("OCC") Legislative Priorities Committee of the Democratic Party of Hawaii. Thank you for the opportunity to provide written testimony on Senate Bill No.2719 relating to sexual abuse; civil action; and the statute of limitations

The OCC Legislative Priorities Committee is in favor of Senate Bill No 2719 and supports its passage.

Senate Bill No.2719 is in alignment with the Platform of the Democratic Party of Hawai'i ("DPH"), 2016, as it extends the amount of time from the date an act of child sexual abuse occurred for a victim to bring a civil cause of action.

The DPH Platform states that "[w]e must protect our children, our future, from violence and neglect and provide them with a safe and healthy environment in which to grow and thrive.(Platform of the DPH, P. 4, Lines 186-187 (2016)).

Given that Senate Bill No.2719 extends the amount of time from the date an act of child sexual abuse occurred for a victim to bring a civil cause of action, it is the position of the OCC Legislative Priorities Committee to support this measure.

Thank you very much for your kind consideration.

Sincerely yours,

**/s/ Melodie Aduja**

Melodie Aduja, Chair, OCC Legislative Priorities Committee

Email: [legislativepriorities@gmail.com](mailto:legislativepriorities@gmail.com), Tel.: (808) 258-8889

**SB-2719**

Submitted on: 2/19/2018 8:05:58 AM

Testimony for JDC on 2/20/2018 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
amy agbayani	Testifying for Filipina Advocacy Network FAN	Support	No

## Comments:

Filipina/Advocacy Network (FAN) strongly supports sb2719 because there is good data and experience that victims take many years to discover and act on child sex abuse. The bill recommends appropriate deadlines that is fair to victims and perpetrators.

Please support sb2719. Amy Agbayani

**SB-2719**

Submitted on: 2/18/2018 9:47:40 PM

Testimony for JDC on 2/20/2018 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Stephanie Batzer	Individual	Support	No

Comments:

TO: COMMITTEE ON JUDICIARY  
Sen. Brian T. Taniguchi, Chair  
Sen. Karl Rhoads, Vice Chair

HEARING: Tuesday, February 20, 2018  
9:30 a.m.  
Room 016

FROM: Stephanie W. Batzer, Esq., MSW

RE: SB 2719 RELATING TO SEXUAL VIOLENCE – STRONGLY SUPPORT

Thank you for this opportunity to testify in strong support of S.B. 2719.

My name is Stephanie Batzer, I am the Chair of the Board of Directors for Family Programs Hawaii, a member of the Board of Directors for Hawaii Women Lawyers, and I have been a Court Appointed Special Advocate for four and a half years.

S.B. 2719 seeks to extend the amount of time from the date an act of child sexual abuse occurred for a victim to bring a civil cause of action. The phrase “statute of limitations” refers to the amount refers to the time period within which formal criminal charges must be brought after a crime has been committed (Statute of Limitations, Black’s Law Dictionary (10th ed. 2014)). One area in which the United States has codified that may be prosecuted regardless of when they were committed is various federal child sex offenses, which typically are limited to those offenses that occur across state lines (18 U.S.C. Sec. 2241- Aggravated sexual abuse, Sec. 2242 – Sexual Abuse, Sec. 2243 – Sexual abuse of a minor or ward, Sec. 2244 – Abusive sexual contact). Therefore, these matters must be handled by and prosecuted under state law.

Laws for prosecuting child sexual violence are often hampered by the discovery rule – the clock begins ticking from the moment the act of sexual violence occurs, and the victim may be delayed in discovering the injury either due to emotional or psychological trauma which leads to the repression of the incident (see National Conference of State Legislatures State Civil Statutes of Limitations in Child Sexual Abuse, available at

<http://www.ncsl.org/research/human-services/state-civil-statutes-of-limitations-in-child-sexua.aspx>). Children often do not discover or remember that they have been abused until they are in or have completed a course of therapy, and short statutes of limitation wrest the opportunity for legal resolution of abuse from the hands of the older or adult victims (Id.).

The very honorable desire by our State Legislature to afford child victims of sexual abuse their day in court should be commended and supported. Let us to continue to pursue that cause.

Thank you again for this opportunity to stand in strong support of S.B. 2719.

**SB-2719**

Submitted on: 2/18/2018 2:21:58 PM

Testimony for JDC on 2/20/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sheryl Hauk	Individual	Support	No

Comments:

Dear Legislator,

Please support SB 2719. My story is testament of my years of sexual abuse, as a child, and its impact even later 40 years later.

I have been told by my mother, that my father planned everything before I was born. I was to be "his girl" and that was in every way possible. Hawaii would be the paradise to make that happen. The laws held no accountability.

I am a 55 year old mother of 4 and grandmother of 2 , which for a bystander, looks successful and happy. However, each morning I wake up to battle my demons. These are the childhood memories that cause thoughts of ending my life daily. These are detailed plans in my head of how I will end my life and my silent suffering. They are the demons that are called hyper vigilance which see and hear every nasty word and gesture of those around, altering perspectives, feeling every experience 100 times fold , and resulting in all the symptoms of PTSD. I get little sleep, for night-terrors wake me screaming on a regular basis. These are demons that relive the horror of 18 years of childhood physiological, physical, sexual, and mental abuse, down to the last detail. I AM a victim of sexual abuse from my father. A man who held physical, physiological, financial, and mental control of me ALL of my childhood and much of my adulthood.

I remember sitting in the bathroom at school, in vaginal pain day after day. I remember being smothered with a pillow until I couldn't breath, in order to subdue the fight in me. I remember a sweaty body on top of me and closing my eyes to imagine some place different. I was not abused once or twice, but several times every week for 18 years. I live with the long term mental and physical results of massive amounts of cortisol , the stress hormone, running through my body. Migraines for 26 days, RLS, Raynaud's syndrome remind me constantly through indiscriminate pain, of the horror of my childhood.

I have recently found 22 letters, lost for 37 years, painting a picture of a man who controlled all in my life. Through my memories and the letters, a clear picture is painted of my own father being obsessed with a child, as one would be obsessed with a woman.



He often threatened to kill me if I told anyone. He would smother me with a pillow until he knew I needed a gasp of air. However...I DID tell. I remember telling my best friend, with a "you are lying" response. I have learned recently adults knew and did nothing, although my behavior cried out for help constantly. I have learned my pastor was told several times by members of the church that witnessed the abuse but did nothing.

I left Hawaii as soon as turned 18. My mother divorced my father, but he found a new wife in a 18 year old Philippine woman who had an infant girl. I was fearful for the child and called immigration. They scoffed and told me I was once again lying.

Three years ago I came back Hawaii to bring my mentally ill brother back from a visit in Michigan. As I got him settled at the State Mental facility in Kaneohe, his support team shared they knew my story. In fact they had had lunch with my father before my brother's trip and my Father had bragged about what he had done to me. They let me know about a small window of time which a victim of child sexual abuse may bring an otherwise time-barred civil action against the victim's abuser or an entity with a duty of care. I took a card of a lawyer that might help and went home to Michigan.

This crime is often referred to as a "silent crime" because victims have difficulty coming forward. Non-offending adults are often complicit in not reporting the abuse, and perpetrators—who are often trusted by the child or known in the community—can manipulate situations so that they can continue the abuse. In addition, the abuse is often not physically apparent; rather, the evidence of abuse may manifest itself in behavioral and psychological changes that can be misidentified as moodiness or disobedience. Reporting on child sexual abuse (CSA) presents a number of challenges. The victims—children from birth to 17 years of age—are often traumatized by the experience and afraid to come forward.

I certainly was scared and the feelings of hopelessness perpetuates my thoughts. It had a very hard decision to finally try and make this man accountable, months later I contacted a lawyer and explained that my purpose for suing was not for money, but to bring light on the sexual abuse in Hawaii that had been allowed to continue with no accountability for 50 years. The 2 year law has allowed me to begin this journey for accountability, that is still continuing to date. However, there are thousands of victims suffering with these memories and experiences, that do not know about this law and/or are simply emotionally unable to come forward within the current statute of limitations.

There was, and to this point, no accountability for a man who sexually abused not only me and my sister, and possibly others. Until the legislature opened a 2 year window and I was lucky enough to learn about it. It took me 52 years to have enough strength to make this man accountable and I hopefully will see him in trial June 12, 2018. Statistics report that there are MANY more like me that are unable to report their abuse.

There is no excuse for this crime, and note I believe there should be no statute of limitations criminally or civilly. My greatest wish is to stand before you and plead with you to push this legislation through, but to go further and consider an HB 415, that

would allow me to sue the Pastor and church members who allowed this crime to happen silently. You have the ability to allow victims like me to hold these criminals accountable. SB 2719 is only the beginning of making an undeniable wrong, right with Aloha for our Ohana.

Mahalo,

Sheryl Hauk

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West Bloomfield, MI 48323

248-935-7721

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**SB-2719**

Submitted on: 2/17/2018 1:45:44 PM

Testimony for JDC on 2/20/2018 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Amy Monk	Individual	Support	No

Comments:

One needs to look no further than the today's front page story about dozens of Kamehameha students representing children who were abused in from the late 1950's to the early 1980's by Dr. Robert Browne. We can sympathize with these young students who endured decades of pain in silence.

Those who treat victims say it often takes many years or decades for adults to recognize the abuse they suffered as children. We should not question victims about the timing of the report, but rather support them when they are ready to come forward to report the crime and seek justice. This bill will allow victims the time they need to report their abuse and begin healing.

Thank you for allowing me to add my comments.

**SB-2719**

Submitted on: 2/16/2018 3:32:18 PM

Testimony for JDC on 2/20/2018 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Barbara L Franklin	Individual	Support	No

## Comments:

I support SB 2719, which extends the time to bring a civil action for child sexual abuse. I have known people who did not even realize they were victims until later in life when their life experiences gave them more understanding. Forcing a young adult to litigate such issues when they are still learning about lasting healthy relationships is too much of a burden.

**SB-2719**

Submitted on: 2/17/2018 4:51:14 PM

Testimony for JDC on 2/20/2018 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joy Marshall	Individual	Support	No

Comments:

**SB-2719**

Submitted on: 2/17/2018 9:08:34 AM

Testimony for JDC on 2/20/2018 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Laurie Field	Testifying for Planned Parenthood Votes Northwest and Hawaii	Support	No

Comments:

**SB-2719**

Submitted on: 2/16/2018 7:12:45 PM

Testimony for JDC on 2/20/2018 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
	Testifying for Domestic Violence Action Center	Support	No

Comments:



49 South Hotel Street, Room 314 Honolulu HI 96813  
[www.lwv-hawaii.com](http://www.lwv-hawaii.com) 808.532.7448 voters@lwv-hawaii.com

February 19, 2018

JUDICIARY COMMITTEE  
Tuesday, February 20, 2018 9:30 a.m. Conference Room 016

SB 2719: RELATING TO SEXUAL ABUSE  
Laurie Tomchak, League of Women Voters  
TESTIMONY

To Chair Taniguchi Vice Chair Rhoads and Members of the Committee

SB2719: Extends the amount of time from the date an act of child sexual abuse occurred for a victim to bring a civil cause of action.

The League of Women Voters strongly supports this measure. The recent conviction for sexual abuse of minors by Dr. Nasser, physician for the Olympic Gymnastics Team, focuses attention on famous victims of sex abuse. Many of these victims tried to come forward to disclose the abuse but were not believed or even punished for their disclosures. These events often occurred long ago, and the testimony was given by women who had become adults, still troubled by the events of their childhood. The very fact that they were children made them less likely to be believed, and the abuse by a trusted doctor while their parents were often in the room made them less likely to trust parents, teachers, or police to respond appropriately to their accusations.

Closer to home is the case of Dr. Robert Browne, who committed suicide in 1991 after his abuse of students decades prior was discovered. He was a well-respected political activist and father of children, and accusations as early as 1966 were ignored.

Survivors should have until they attain 18 to disclose abuse, rather than expecting them to testify at a relatively young age. Both civil and criminal cases have an extended statute of limitations through this law.

I know from personal experience that the process of healing from abuse is a lengthy one. I never reported a crime committed against me as a minor, and it wasn't until I was in my fifties that I accused my abuser and he admitted it. I would like other minors to have time to process



their trauma and make sure their abusers do not reoffend. Nasser and Browne both abused dozens of children over a period of decades.

Therefore, I respectfully recommend the passage of this bill.



## Hawaii Women's Coalition

COMMITTEE ON JUDICIARY  
Senator Brian T. Taniguchi, Chair  
Senator Karl Rhoads, Vice Chair

**LATE**

DATE: Tuesday, February 20, 2018  
TIME: 9:30 a.m.  
PLACE: Conference Room 016

### STRONG SUPPORT FOR SB2719 Relating to Sexual Violence,

Aloha Chair Taniguchi, Vice Chair Rhoads and members,

The Coalition strongly supports this measure to extend the Civil Statute of Limitations for Child Sexual Abuse Cases. Some studies have estimated that between **60% and 80% of child sexual abuse** survivors withhold disclosure, and there is general consensus in the literature that many children who experience sexual abuse delay disclosure until adulthood. Of these, the average latency—the delay **until the survivor is able to disclose their victimization—is approximately 20 years**, with some survivors delaying up to 50.

Keep in mind that children are confused by adults who abuse them. All the more so, because a majority know their perpetrator who is often a trusted teacher, coach or family member.

Please have a heart and redress the suffering the continues throughout our society.

Mahalo for the opportunity to testify,

Ann S. Freed Co-Chair, Hawai'i Women's Coalition  
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February 20, 2018

To: Senator Brian Taniguchi, Chair  
Senator Karl Rhoads, Vice Chair  
Senate Committee on Judiciary

**LATE**

From: Mandy Finlay, Director of Public Policy  
Hawaii Children's Action Network

Re: **SB 2719 – Relating to Sexual Violence – SUPPORT**  
**Hawaii State Capitol, Room 16, February 20, 2018, 9:30 AM**

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**On behalf of Hawaii Children's Action Network (HCAN), we are writing to support SB 2719, which would extend the current civil statute of limitations for child sexual abuse cases and re-open a window period for survivors to bring previous time-barred cases.**

Experiencing sexual violence or abuse at a young age can cause serious trauma, and significantly increases the likelihood that the child will experience negative health and well-being outcomes throughout their lifetime. Studies have found that child sexual abuse survivors often do not disclose their abuse. When survivors do report their abuse, the disclosure often occurs after they reach adulthood. The average amount of time between childhood sexual abuse and disclosure is approximately twenty (20) years, with some victims delaying fifty (50) years.

Unfortunately, under current Hawaii law, the civil statute of limitations for most child sexual abuse cases would expire when the victim reaches age 26. For those who discover their childhood sexual abuse after reaching adulthood, they only have a three-year window to bring a civil action. This measure would provide an extended period of time in which victims of childhood sexual abuse could seek justice through the civil court system to 40 years of age, and allow survivors who discover their abuse after reaching adulthood up to 10 years to take legal action. This measure would also re-open a window period for survivors to bring previous time-barred cases to allow survivors for whom the civil statute of limitations has already expired a chance to seek justice.

**For these reasons, HCAN respectfully requests your Committee to support this measure.**

*HCAN is committed to building a unified voice advocating for Hawaii's children by improving their safety, health, and education.*

**LATE**

SB2710 sexual assault Statute of Limitations

As a Women's Health Nurse Practitioner, I strongly support SB 2710 that supports extending the civil statute of limitations for child sexual abuse cases. Otherwise, we are essentially placing the responsibility of reporting on children/those too traumatized to do so too near the time of the incident, of, sadly, incidents.

**SB-2719**

Submitted on: 2/19/2018 5:10:03 PM

Testimony for JDC on 2/20/2018 9:30:00 AM

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dara Carlin, M.A.	Individual	Support	No

Comments:

STRONGLY support!!!

**LATE**

**SB-2719**

Submitted on: 2/19/2018 5:33:00 PM  
Testimony for JDC on 2/20/2018 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lee Buenconsejo-Lum	Individual	Support	No

Comments:

STRONGLY SUPPORT THIS MEASURE.

**SB-2719**

Submitted on: 2/19/2018 4:11:47 PM

Testimony for JDC on 2/20/2018 9:30:00 AM

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
cheryl	Individual	Support	No

Comments:

As research shows that many people who have been abused do not always come forward right away, it is important to give time for them to do so. The recent Kamehameha case and others around the continent clearly demonstrate this as a need.

**SB-2719**

Submitted on: 2/20/2018 7:00:57 AM

Testimony for JDC on 2/20/2018 9:30:00 AM

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Barry Goldstein	Individual	Support	No

Comments:

The ACE Study from the CDC found one quarter of our children are sexually abused before reaching 18. Sexual predators are effective in silencing victims and time limitations make it safer for predators to commit their crimes. Extending the time to sue not only helps survivors but saves other children from new deprecations.



**SB-2719**

Submitted on: 2/20/2018 10:05:26 AM

Testimony for JDC on 2/20/2018 9:30:00 AM

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Carmen Golay	Individual	Support	No

Comments: