

Honolulu, Hawaii

MAR 01 2019

RE: S.B. No. 1035  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirtieth State Legislature  
Regular Session of 2019  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 1035 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to extend the amount of time that a victim of child sexual abuse can bring a civil cause of action.

Your Committee received testimony in support of this measure from the Hawai'i State Commission on the Status of Women, LGBT Caucus of the Democratic Party of Hawaii, Rainbow Family 808, AAUW of Hawaii, Sex Abuse Treatment Center, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Save Medicaid Hawaii, and ten individuals. Your Committee received testimony in opposition to this measure from the National Association of Mutual Insurance Companies.

Your Committee finds that in the United States, one in five girls and one in twenty boys is a victim of child sexual abuse and studies show that between sixty and eighty percent of survivors withhold disclosure. Your Committee further finds that of those who delay disclosure until adulthood, the average delay has been found to be approximately twenty years, with some survivors delaying up to fifty years. Your Committee additionally finds that there are many reasons that child victims delay disclosing



sexual abuse, including the particular stage of cognitive development, limited capacity to understand what happened, confusion about their feelings, limited ability to express complaints, and fear of retaliation or harmful impacts on their family or community. Your Committee also finds that the victims of child sexual abuse should be able to seek justice through the courts without being confined to a set window of opportunity.

Accordingly, your Committee has amended this measure by repealing the civil statute of limitations for child sexual abuse.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1035, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1035, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,



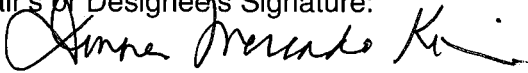
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KARL RHOADS, Chair



The Senate  
Thirtieth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Judiciary**  
**JDC**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 1035	JDC	2/22/19		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313		
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	/			
WAKAI, Glenn (VC)				/
GABBARD, Mike	/			
KIM, Donna Mercado	/			
FEVELLA, Kurt				/
<b>TOTAL</b>	3			2
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
<b>Distribution:</b>				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

\*Only one measure per Record of Votes