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## A BILL FOR AN ACT

RELATING TO CHILDHOOD SEXUAL ABUSE.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that survivors of  
2 childhood sexual abuse often do not divulge the truth about  
3 their experiences until they reach adulthood because they  
4 experience feelings of fear, disbelief, anger, helplessness,  
5 anxiety, embarrassment, or other feelings that are not their  
6 fault.

7           For example, the first woman to publicly accuse former USA  
8 Gymnastics national team doctor Lawrence Gerard Nassar was  
9 fifteen years old at the time she was assaulted and came forward  
10 sixteen years later, at the age of thirty-one. Many other  
11 survivors remained silent even longer, and Nassar was ultimately  
12 accused of sexually assaulting at least two hundred fifty girls  
13 and young women over a period of thirty years before he was  
14 convicted on multiple sexual assault and child pornography  
15 charges.

16           Here in Hawaii, former school psychiatrist Robert Browne  
17 was accused of sexually assaulting approximately fifty young



1 boys at Kamehameha Schools over a period of twenty-seven years  
2 and was first confronted by a survivor fourteen years after the  
3 abuse of that survivor ended. A lawsuit over Browne's sexual  
4 assaults was not filed until nearly thirty years after the last  
5 assault.

6 The legislature further finds that some studies have  
7 estimated that between sixty and eighty per cent of childhood  
8 sexual abuse survivors withhold disclosure of their abuse until  
9 adulthood and that the average delay is approximately twenty  
10 years, with some survivors delaying disclosure for up to fifty  
11 years.

12 Hawaii law generally requires that a lawsuit be filed  
13 within eight years after a survivor of childhood sexual abuse  
14 turns eighteen, or three years after discovering that a  
15 psychological injury or illness that occurs during adulthood was  
16 caused by childhood sexual abuse. Under those limitations, many  
17 survivors of childhood sexual assaults may be prevented from  
18 seeking redress in the courts.

19 Accordingly, the purpose of this Act is to repeal statutory  
20 limitations on the time periods in which a survivor of childhood  
21 sexual abuse may file a civil action.



1 SECTION 2. Section 657-1.8, Hawaii Revised Statutes, is  
2 amended by amending subsections (a) and (b) to read as follows:

3 "(a) Notwithstanding section 657-7 or any other law to the  
4 contrary, [~~except as provided under subsection (b), no~~] an  
5 action for recovery of damages based on physical, psychological,  
6 or other injury or condition suffered by a minor arising from  
7 the sexual abuse of the minor by any person [~~shall~~] may be  
8 commenced [~~against the person who committed the act of sexual~~  
9 ~~abuse more than:~~

10 ~~(1) Eight years after the eighteenth birthday of the minor~~  
11 ~~or the person who committed the act of sexual abuse~~  
12 ~~attains the age of majority, whichever occurs later,~~  
13 ~~or~~  
14 ~~(2) Three years after the date the minor discovers or~~  
15 ~~reasonably should have discovered that psychological~~  
16 ~~injury or illness occurring after the minor's~~  
17 ~~eighteenth birthday was caused by the sexual abuse,~~  
18 ~~whichever comes later.] at any time.~~

19 A civil cause of action for the sexual abuse of a minor  
20 shall be based upon sexual acts that constituted or would have



1 constituted a criminal offense under part V or VI of chapter  
2 707.

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

10 A claim may ~~[also]~~ be brought under this ~~[subsection]~~  
11 section against a legal entity if:

12 (1) The person who committed the act of sexual abuse  
13 against the victim was employed by an institution,  
14 agency, firm, business, corporation, or other public  
15 or private legal entity that owed a duty of care to  
16 the victim; or

17 (2) The person who committed the act of sexual abuse and  
18 the victim were engaged in an activity over which the  
19 legal entity had a degree of responsibility or  
20 control.



# H.B. NO. 18

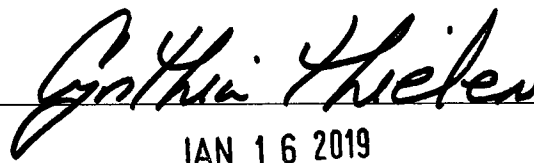
1 Damages against the legal entity shall be awarded under  
2 this subsection only if there is a finding of gross negligence  
3 on the part of the legal entity."

4 SECTION 3. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

  
JAN 16 2019



# H.B. NO. 18

**Report Title:**

Childhood Sexual Abuse; Civil Actions; Statute of Limitations

**Description:**

Repeals statutory limitations on the time period in which a survivor of childhood sexual abuse may file suit.

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

