

STAND. COM. REP. NO. 697

Honolulu, Hawaii

MAR 04 2021

RE: S.B. No. 163  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-First State Legislature  
Regular Session of 2021  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 163 entitled:

"A BILL FOR AN ACT RELATING TO CHILDHOOD SEXUAL ABUSE,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Amend statutory limitations on the time period in which a survivor of childhood sexual abuse may file a civil suit;
- (2) Allow punitive damages in a civil suit for child sexual abuse; and
- (3) Permit the court to order restorative justice measures at its discretion, if requested by the victim.

Your Committee received testimony in support of this measure from the LGBT Caucus of the Democratic Party of Hawai'i, Hawaii Association for Justice, Sex Abuse Treatment Center, Domestic Violence Action Center, American Association of University Women of Hawaii, Imua Alliance, Parents And Children Together, Hawai'i State Commission on the Status of Women, Planned Parenthood Votes Northwest and Hawai'i, and twelve individuals. Your Committee received comments on this measure from the Department of the Attorney General and one individual.



Your Committee finds that survivors of childhood sexual abuse often do not divulge their experiences until they reach adulthood. The delay may stem from fear, disbelief, anger, helplessness, anxiety, embarrassment, or other feelings that are no fault of the survivor. Your Committee further finds that Hawaii law currently requires that a lawsuit alleging childhood sexual abuse be filed within eight years of a survivor of childhood sexual abuse turning eighteen, or three years after discovering that an injury or illness during adulthood was caused by childhood sexual abuse. Under these limitations, many survivors of childhood sexual abuse may be barred from seeking civil redress in the courts.

Your Committee has amended this measure by clarifying statutory language relating to filing certificates of merit in civil actions to reflect new electronic filing rules.

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. 163, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 163, 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



