



# GOV. MSG. NO. 1343

EXECUTIVE CHAMBERS  
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA

July 9, 2024

The Honorable Ronald D. Kouchi  
President of the Senate,  
and Members of the Senate  
Thirty-Second State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki  
Speaker, and Members of the  
House of Representatives  
Thirty-Second State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 9, 2024, the following bill was signed into law:

SB2439 SD1 HD1 CD1

RELATING TO LIMITATION OF ACTIONS.  
**ACT 238**

Sincerely,

Josh Green, M.D.  
Governor, State of Hawai'i

on JUL 9 2024

THE SENATE  
THIRTY-SECOND LEGISLATURE, 2024  
STATE OF HAWAII

S.B. NO. 2439  
S.D. 1  
H.D. 1  
C.D. 1

# A BILL FOR AN ACT

RELATING TO LIMITATION OF ACTIONS.

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

1 SECTION 1. Chapter 657, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4 "§657- Civil action arising from sexual offenses against  
5 adult victims; certificate of merit. (a) For a period of two  
6 years commencing on July 1, 2024, a person who is a victim of  
7 sexual abuse that occurred after June 30, 2012, in the State  
8 when the person was eighteen years of age or older may file a  
9 claim in a circuit court of the State against the person who  
10 committed the act of sexual abuse if the victim is barred from  
11 filing a claim against the victim's abuser due to the expiration  
12 of the applicable civil statute of limitations that was in  
13 effect before July 1, 2024.

14 A claim may also be brought under this subsection against a  
15 legal entity if:

16 (1) The person who committed the act of sexual abuse  
17 against the victim was employed by an institution,  
18 agency, firm, business, corporation, or other public



1 or private legal entity that owed a duty of care to  
2 the victim; or

3 (2) The person who committed the act of sexual abuse and  
4 the victim were engaged in an activity over which the  
5 legal entity had a degree of responsibility or  
6 control.

7 Damages against the legal entity shall be awarded under  
8 this subsection only if there is a finding of gross negligence  
9 on the part of the legal entity.

10 (b) A civil cause of action for the sexual abuse of a  
11 person that occurred when the person was eighteen years of age  
12 or older shall be based upon sexual acts that constituted or  
13 would have constituted a criminal offense under part V of  
14 chapter 707.

15 (c) A defendant against whom a civil action is commenced  
16 may recover attorney's fees if the court determines that a false  
17 accusation was made with no basis in fact and with malicious  
18 intent. A verdict in favor of the defendant shall not be the  
19 sole basis for a determination that an accusation had no basis  
20 in fact and was made with malicious intent. The court shall



1 make an independent finding of an improper motive prior to  
2 awarding attorney's fees under this section.

3 (d) In any civil action filed pursuant to subsection (a),  
4 a certificate of merit shall be filed by the attorney for the  
5 plaintiff, and shall be sealed and remain confidential. The  
6 certificate of merit shall include a notarized statement by a:

7 (1) Marriage and family therapist licensed pursuant to  
8 chapter 451J;

9 (2) Mental health counselor licensed pursuant to chapter  
10 453D;

11 (3) Psychologist licensed pursuant to chapter 465; or

12 (4) Clinical social worker licensed pursuant to chapter  
13 467E;

14 who is knowledgeable in the relevant facts and issues involved  
15 in the action, who is not a party to the action.

16 The notarized statement included in the certificate of  
17 merit shall set forth in reasonable detail the facts and  
18 opinions relied upon to conclude that there is a reasonable  
19 basis to believe that the plaintiff was subject to one or more  
20 acts that would result in an injury or condition specified in  
21 subsection (b)."



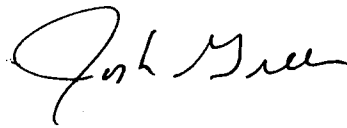
- 1 SECTION 2. New statutory material is underscored.
- 2 SECTION 3. This Act shall take effect upon its approval.



S.B. NO.

2439  
S.D. 1  
H.D. 1  
C.D. 1

APPROVED this **9th** day of **July**, 2024


A handwritten signature in black ink, appearing to read "Josh Green". The signature is written in a cursive, flowing style.

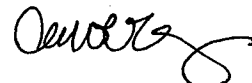
GOVERNOR OF THE STATE OF HAWAII

**THE SENATE OF THE STATE OF HAWAI'I**

Date: May 1, 2024  
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-Second Legislature of the State of Hawai'i, Regular Session of 2024.

  
President of the Senate

  
Clerk of the Senate

SB No. 2439, SD 1, HD 1, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 1, 2024  
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2024.



Scott K. Saiki  
Speaker  
House of Representatives



Brian L. Takeshita  
Chief Clerk  
House of Representatives