
A BILL FOR AN ACT

RELATING TO LIMITATION OF ACTIONS.

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

1 SECTION 1. Section 657-1.8, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§657-1.8 Civil action arising from sexual offenses;**
4 **application; certificate of merit.** (a) Notwithstanding any law
5 to the contrary, except as provided under subsection (b), no
6 action for recovery of damages based on physical, psychological,
7 or other injury or condition suffered by a minor arising from
8 the sexual abuse of the minor by any person shall be commenced
9 against the person who committed the act of sexual abuse more
10 than:

11 (1) Eight years after the eighteenth birthday of the minor
12 or the person who committed the act of sexual abuse
13 attains the age of majority, whichever occurs later;
14 or

15 (2) Three years after the date the minor discovers or
16 reasonably should have discovered that psychological



1 injury or illness occurring after the minor's
2 eighteenth birthday was caused by the sexual abuse,
3 whichever comes later.

4 A civil cause of action for the sexual abuse of a minor
5 shall be based upon sexual acts that constituted or would have
6 constituted a criminal offense under part V or VI of chapter
7 707.

8 (b) For a period of [~~eight years after April 24, 2012,~~]
9 one year commencing on July 1, 2024, a person eighteen years of
10 age or older who is a victim of [child] sexual abuse that
11 occurred after June 30, 2014, in this State may file a claim in
12 a circuit court of this State against the person who committed
13 the act of sexual abuse if the victim is barred from filing a
14 claim against the victim's abuser due to the expiration of the
15 applicable civil statute of limitations that was in effect
16 [~~prior to April 24, 2012.~~] before July 1, 2024.

17 A claim may also be brought under this subsection against a
18 legal entity if:

19 (1) The person who committed the act of sexual abuse
20 against the victim was employed by an institution,
21 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 A civil cause of action for the sexual abuse of a person
11 more than eighteen years of age shall be based upon sexual acts
12 that constituted or would have constituted a criminal offense
13 under part V of chapter 707.

14 (c) A defendant against whom a civil action is commenced
15 may recover attorney's fees if the court determines that a false
16 accusation was made with no basis in fact and with malicious
17 intent. A verdict in favor of the defendant shall not be the
18 sole basis for a determination that an accusation had no basis
19 in fact and was made with malicious intent. The court shall
20 make an independent finding of an improper motive [~~prior to~~]
21 before awarding attorney's fees under this section.



1 (d) In any civil action filed pursuant to subsection (a)
2 or (b), a certificate of merit shall be filed by the attorney
3 for the plaintiff, and shall be sealed and remain confidential.

4 The certificate of merit shall include a notarized statement by
5 a:

- 6 ~~[(1) Psychologist licensed pursuant to chapter 465;~~
- 7 ~~+(2)]~~ (1) Marriage and family therapist licensed pursuant
8 to chapter 451J;
- 9 ~~[(3)]~~ (2) Mental health counselor licensed pursuant to
10 chapter 453D; ~~[or]~~
- 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, and 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~~[+]~~ (a) ~~[-]~~ or (b)."

1 SECTION 2. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 3. This Act shall take effect on July 1, 3000, and
4 shall be repealed on July 1, 2025; provided that section 657-
5 1.8, Hawaii Revised Statutes, shall be reenacted in the form in
6 which is read on the day prior to the effective date of this
7 Act.



Report Title:

Limitation of Actions; Sexual Offenses; Adults

Description:

Extends the statute of limitations for civil actions brought by adults subjected to sexual offenses for a one-year period. Allows a claim to be brought against legal entities during the one-year period if there is a finding of gross negligence. Authorizes a court to award attorney's fees to a defendant when an accusation of sexual abuse was made with no basis in fact and with malicious intent. Effective 7/1/3000. Sunsets 7/1/2025.
(HD1)

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

