

A Bill for an Act Relating to Limitation Of Actions.

*Be It Enacted by the Legislature of the State of Hawaii:*

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

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

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

- (1) The person who committed the act of sexual abuse against the victim was employed by an institution, agency, firm, business, corporation, or other public or private legal entity that owed a duty of care to the victim; or
- (2) The person who committed the act of sexual abuse and the victim were engaged in an activity over which the legal entity had a degree of responsibility or control.

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

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

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

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

- (1) Marriage and family therapist licensed pursuant to chapter 451J;
- (2) Mental health counselor licensed pursuant to chapter 453D;
- (3) Psychologist licensed pursuant to chapter 465; or
- (4) Clinical social worker licensed pursuant to chapter 467E;

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

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

**SECTION 2.** New statutory material is underscored.<sup>1</sup>

**SECTION 3.** This Act shall take effect upon its approval.  
(Approved July 9, 2024.)

**Note**

1. Edited pursuant to HRS §23G-16.5.