
A BILL FOR AN ACT

RELATING TO DOMESTIC VIOLENCE.

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

1 SECTION 1. Section 378-1, Hawaii Revised Statutes, is
2 amended by adding a new definition to be appropriately inserted
3 and to read as follows:

4 "Victim of domestic violence" means a person who consults
5 a counselor for assistance in overcoming any adverse emotional
6 or psychological effect resulting from physical harm, bodily
7 injury, assault, extreme psychological abuse, or malicious
8 property damage, or the threat of imminent physical harm, bodily
9 injury, or assault caused by a family or household member."

10 SECTION 2. Section 378-2, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "§378-2 Discriminatory practices made unlawful; offenses
13 defined. It shall be an unlawful discriminatory practice:

14 (1) Because of race, sex, sexual orientation, age,
15 religion, color, ancestry, disability, marital status,
16 victim of domestic violence status, or arrest and
17 court record:



- 1 (A) For any employer to refuse to hire or employ or
2 to bar or discharge from employment, or otherwise
3 to discriminate against any individual in
4 compensation or in the terms, conditions, or
5 privileges of employment;
- 6 (B) For any employment agency to fail or refuse to
7 refer for employment, or to classify or otherwise
8 to discriminate against, any individual;
- 9 (C) For any employer or employment agency to print,
10 circulate, or cause to be printed or circulated
11 any statement, advertisement, or publication or
12 to use any form of application for employment or
13 to make any inquiry in connection with
14 prospective employment, which expresses, directly
15 or indirectly, any limitation, specification, or
16 discrimination;
- 17 (D) For any labor organization to exclude or expel
18 from its membership any individual or to
19 discriminate in any way against any of its
20 members, employer, or employees; or
- 21 (E) For any employer or labor organization to refuse
22 to enter into an apprenticeship agreement as



1 defined in section 372-2; provided that no
2 apprentice shall be younger than sixteen years of
3 age;

4 (2) For any employer, labor organization, or employment
5 agency to discharge, expel, or otherwise discriminate
6 against any individual because the individual has
7 opposed any practice forbidden by this part or has
8 filed a complaint, testified, or assisted in any
9 proceeding respecting the discriminatory practices
10 prohibited under this part;

11 (3) For any person whether an employer, employee, or not,
12 to aid, abet, incite, compel, or coerce the doing of
13 any of the discriminatory practices forbidden by this
14 part, or to attempt to do so;

15 (4) For any employer to violate the provisions of section
16 121-43 relating to nonforfeiture for absence by
17 members of the national guard;

18 (5) For any employer to refuse to hire or employ or to bar
19 or discharge from employment, any individual because
20 of assignment of income for the purpose of satisfying
21 the individual's child support obligations as provided
22 for under section 571-52;



- 1 (6) For any employer, labor organization, or employment
2 agency to exclude or otherwise deny equal jobs or
3 benefits to a qualified individual because of the
4 known disability of an individual with whom the
5 qualified individual is known to have a relationship
6 or association;
- 7 (7) For any employer or labor organization to refuse to
8 hire or employ or to bar or discharge from employment,
9 or withhold pay, demote, or penalize a lactating
10 employee because an employee breastfeeds or expresses
11 milk at the workplace. For purposes of this
12 paragraph, the term "breastfeeds" means the feeding of
13 a child directly from the breast; or
- 14 (8) For any employer to refuse to hire or employ or to bar
15 or discharge from employment, or otherwise to
16 discriminate against any individual in compensation or
17 in the terms, conditions, or privileges of employment
18 of any individual because of the individual's credit
19 history or credit report, unless the information in
20 the individual's credit history or credit report
21 directly relates to a bona fide occupational
22 qualification under section 378-3(2)."



H.B. NO. 2283

1 SECTION 3. New statutory material is underscored.

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

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INTRODUCED BY:

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JAN 20 2012



H.B. NO. 2283

Report Title:

Employment Practices; Discrimination; Domestic Violence

Description:

Prohibits employment discrimination on the basis of victim of domestic violence status.

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