

JAN 25 2017

A BILL FOR AN ACT

RELATING TO DISCRIMINATORY PRACTICES IN PUBLIC ACCOMMODATIONS.

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

1 SECTION 1. Section 489-5, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) It is a discriminatory practice for [~~two or more~~
4 ~~persons to conspire:~~] a person or a place of public
5 accommodation:

6 (1) To retaliate or discriminate against a person because
7 the person has opposed an unfair discriminatory
8 practice;

9 (2) To aid, abet, incite, or coerce a person or a place of
10 public accommodation to engage in a discriminatory
11 practice; or

12 (3) Wilfully, to obstruct, or prevent, a person or a place
13 of public accommodation from complying with this
14 chapter."

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 Statutory material to be repealed is bracketed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

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S.B. NO. 979

1 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: *M. N. W.*

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BY REQUEST

S.B. NO. 979

Report Title:

Hawaii Civil Rights Commission; Discriminatory Practices in Public Accommodations

Description:

Removes the requirement of a conspiracy of two or more persons as an element of prohibited discriminatory practices in places of public accommodation.

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

SB. NO. 979

JUSTIFICATION SHEET

DEPARTMENT: Labor and Industrial Relations

TITLE: A BILL FOR AN ACT RELATING TO DISCRIMINATORY PRACTICES IN PUBLIC ACCOMMODATIONS.

PURPOSE: To remove the requirement of a conspiracy of two or more persons as an element of prohibited discriminatory practices in places of public accommodation.

MEANS: Amend section 489-5(a), Hawaii Revised Statutes.

JUSTIFICATION: This proposal will remove the requirement of a conspiracy of two or more persons as an element of discriminatory practices in places of public accommodation. Under the current law, retaliation for opposition to discrimination, or aiding, abetting, inciting, or coercion of discriminatory practices, or obstruction or prevention of compliance with the public accommodations law by a place of public accommodation or a person acting alone is not prohibited in the absence of a conspiracy.

Impact on the public: This measure will help ensure that the public will be protected from retaliation by persons or places of public accommodations for opposing unfair discriminatory practices. This will ensure full, equal, and nondiscriminatory access to and enjoyment of public accommodations.

Impact on the department and other agencies: This proposal improves Hawaii Civil Rights Commission's ability to protect people who oppose unfair discriminatory practices from retaliation.

GENERAL FUND: None.

OTHER FUNDS: None.

SB. NO. 979

PPBS PROGRAM
DESIGNATION: LBR153.

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: Upon approval.