

STAND. COM. REP. NO.

846

Honolulu, Hawaii

MAR 01 2019

RE: S.B. No. 1041  
S.D. 2

Honorable Ronald D. Kouchi  
President of the Senate  
Thirtieth State Legislature  
Regular Session of 2019  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 1041, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Prohibit written nondisclosure agreements involving sexual assault and sexual harassment as part of an employee's conditions of employment; and
- (2) Prohibit employers from retaliating against an employee for disclosing or discussing sexual harassment or sexual assault.

Your Committee received testimony in support of this measure from the Hawai'i Civil Rights Commission, AAUW of Hawaii, Planned Parenthood Votes Northwest and Hawaii, SAG-AFTRA Hawaii Local, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Hawai'i Women Lawyers, and two individuals.

Your Committee finds that it is common for victims of sexual harassment and assault not to report abuse for fear of retaliation. Your Committee further finds that nondisclosure agreements that prevent the disclosure of sexual harassment as a condition of employment have the impact and effect of further



silencing victims and allowing serial perpetrators to continue harassing others. This measure will prohibit employers from requiring employees to sign sexual harassment or sexual assault nondisclosure agreements as a condition of employment and further prohibit retaliation by an employer if an employee does disclose sexual harassment or sexual assault.

Your Committee has amended this measure by making it effective upon its approval.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1041, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1041, S.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,



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KARL RHOADS, Chair



The Senate  
 Thirtieth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary**  
**JDC**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 1041, SDI	LCA, JDC	2/22/19		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
WAKAI, Glenn (VC)	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
FEVELLA, Kurt	✓			
<b>TOTAL</b>	5	0	0	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<b>Distribution:</b> Original             Yellow             Pink             Goldenrod File with Committee Report             Clerk's Office             Drafting Agency             Committee File Copy				

\*Only one measure per Record of Votes