

JAN 22 2021

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# A BILL FOR AN ACT

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RELATING TO DISCRIMINATION.

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

1       SECTION 1. The Hawaii Revised Statutes is amended by  
2 adding a new chapter to be appropriately designated and to read  
3 as follows:

4                               **"CHAPTER**

5                   **DISCRIMINATORY REPORTING TO A LAW ENFORCEMENT OFFICER**

6       §    -1   **Discriminatory reporting; law enforcement officer;**  
7 **civil remedy.**   (a) Any person:

8           (1) Who summons or reports to a law enforcement officer,  
9               without reason to suspect a violation of the Hawaii  
10              Penal Code, any other criminal conduct, or an imminent  
11              danger to a person or property, has occurred or is  
12              occurring; and

13          (2) Whose summons or report is based in whole or in  
14              substantial part because of that person's belief or  
15              perception regarding the race, color, religion, age,  
16              sex, including gender identity or expression, sexual  
17              orientation, marital status, national origin,



1 ancestry, or disability of another person, regardless  
2 of whether the belief or perception is correct,  
3 shall be liable in a civil action or proceeding.

4 (b) Any person injured by a violation of subsection (a)  
5 may bring a civil action in a court of competent jurisdiction in  
6 the State for injunctive relief, damages, or other appropriate  
7 relief. If, in the action, the court finds that the defendant  
8 is violating or has violated this section, it shall enjoin the  
9 defendant from a continuance thereof. It shall not be necessary  
10 that actual damages to the plaintiff be alleged or proved in  
11 order to obtain the injunction.

12 (c) For purposes of this section, a person lacks reason to  
13 suspect a violation of the Hawaii Penal Code, any other criminal  
14 conduct, or an imminent danger to a person or property has  
15 occurred or is occurring if a reasonable person would not  
16 suspect such a violation, criminal conduct, or danger has  
17 occurred or is occurring."

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

19 INTRODUCED BY: Kul Nhoah



**Report Title:**

Discriminatory Reporting; Protected Class; Law Enforcement Officer; Civil Remedy

**Description:**

Establishes provisions relating to civil remedies for discriminatory reporting to a law enforcement officer. Provides that a person who summons or reports to a law enforcement officer, without reason to suspect a crime, offense, or imminent danger has occurred or is occurring, because of that person's belief or perception involving a member of a protected class shall be civilly liable.

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

