

JAN 18 2023

A BILL FOR AN ACT

RELATING TO DISCRIMINATION.

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

1 SECTION 1. The legislature finds that the vigilance of
2 individual citizens can keep our communities safe through the
3 reporting of witnessed criminal conduct to law enforcement.
4 However, the legislature also finds that in certain
5 circumstances, individuals have misused the ability to summon
6 law enforcement officers against persons of protected classes
7 without reason to suspect a crime is being committed.

8 The purpose of this Act is to give any person injured by
9 any false reporting recourse for just compensation through civil
10 action.

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

14 "CHAPTER

15 DISCRIMINATORY REPORTING TO A LAW ENFORCEMENT OFFICER

16 § -1 Discriminatory reporting; law enforcement officer;
17 civil remedy. (a) Any person:



S.B. NO. 40

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

6 (2) Whose summons or report is based in whole or in
7 substantial part because of that person's belief or
8 perception regarding the race, color, religion, age,
9 sex, including gender identity or expression, sexual
10 orientation, marital status, national origin,
11 ancestry, or disability of another person, regardless
12 of whether the belief or perception is correct,
13 shall be liable in a civil action or proceeding.

14 (b) Any person injured by a violation of subsection (a)
15 may bring a civil action in a court of competent jurisdiction in
16 the State for injunctive relief, damages, or other appropriate
17 relief. If, in the action, the court finds that the defendant
18 is violating or has violated this section, it shall enjoin the
19 defendant from a continuance thereof. It shall not be necessary
20 that actual damages to the plaintiff be alleged or proved in
21 order to obtain the injunction.



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1 (c) For purposes of this section, a person lacks reason to
2 suspect a violation of the Hawaii Penal Code, any other criminal
3 conduct, or an imminent danger to a person or property has
4 occurred or is occurring if a reasonable person would not
5 suspect such a violation, criminal conduct, or imminent danger
6 has occurred or is occurring."

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

8

INTRODUCED BY: _____



S.B. NO. 40

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.

