

1 the basis of the person's actual or perceived race, color,
2 ancestry, ethnicity, national origin, place of birth, sex, age,
3 religion, disability, sexual orientation, or gender identity
4 with the specific intent to:

- 5 (1) Infringe upon the person's rights under the Hawaii
6 State Constitution or United States Constitution;
- 7 (2) Discriminate against the person;
- 8 (3) Cause the person to feel harassed, humiliated, or
9 embarrassed;
- 10 (4) Cause the person to be expelled from a place that the
11 person is lawfully located;
- 12 (5) Damage the person's reputation or standing within the
13 community; or
- 14 (6) Damage the person's financial, economic, consumer, or
15 business prospects or interests,

16 shall be liable in a civil action or proceeding.

17 (b) Any person injured by a violation of subsection (a)
18 may bring a civil action in a court of competent jurisdiction in
19 the State for injunctive relief, payment for damages, which may
20 include punitive damages, or other appropriate relief. If, in
21 the action, the court finds that the defendant is violating or



1 has violated subsection (a), it shall enjoin the defendant from
2 a continuance thereof. It shall not be necessary that actual
3 damages to the plaintiff be alleged or proved in order to obtain
4 the injunction.

5 (c) If the judgment is for the plaintiff, the plaintiff
6 shall be awarded damages of not less than \$1,000 plus attorneys'
7 fees and costs."

8 SECTION 3. The department of the attorney general, in
9 consultation with the Hawaii civil rights commission, shall
10 provide guidance to the public on the civil liability and
11 remedies available for discriminatory reporting to a law
12 enforcement officer pursuant to this Act; provided that
13 effective January 1, 2024, the department of law enforcement
14 shall provide such guidance.

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



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 contacts a law enforcement officer to come to a location to contact a person on the basis of the person's actual or perceived race, color, ancestry, ethnicity, national origin, place of birth, sex, age, religion, disability, sexual orientation, or gender identity with the specific intent to infringe upon the person's rights under the Hawaii State Constitution or United State Constitution; discriminate against the person; cause the person to feel harassed, humiliated, or embarrassed; cause the person to be expelled from a place that the person is lawfully located; damage the person's reputation or standing within the community; or damage the person's financial, economic, consumer, or business prospects or interest shall be civilly liable. Requires the Department of the Attorney General, in consultation with the Hawaii Civil Rights Commission, to provide guidance to the public on the enactment of this Act. Effective January 1, 2024, requires the Department of Law Enforcement to also provide guidance on this Act. (SD1)

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