
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 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 discriminatory reporting recourse through civil action.

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

13 **"CHAPTER**

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

15 § -1 **Discriminatory reporting; law enforcement officer;**
16 **civil remedy.** (a) Any person who knowingly causes a law
17 enforcement officer to come to a location to contact a person on



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 law enforcement, 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.

13 SECTION 4. This Act shall take effect on July 1, 2077.



Report Title:

DLE; 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 any person who contacts a law enforcement officer 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 certain rights shall be civilly liable for resulting damages. Requires the Department of Law Enforcement, in consultation with the Hawaii Civil Rights Commission, to provide guidance to the public on the enactment of this Act. Effective 7/1/2077. (SD1)

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