

ACT 56

H.B. NO. 2232

A Bill for an Act Relating to the Whistleblowers' Protection Act.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. According to the joint senate-house investigative committee to investigate the State's efforts to comply with the *Felix* consent decree, many people were reluctant to publicly share information on specific incidents of abuse and waste for fear of possible retaliation. Despite reports of threats to witnesses and potential testifiers, people did brave this climate of fear to come forward with their concerns.

The legislature finds that public bodies, including legislative investigating committees which examine reports of alleged fraud, abuse, and waste, should not have to rely solely on the bravery of certain people to make government more effective and efficient. The Whistleblowers' Protection Act, chapter 378, Hawaii Revised Statutes, needs to be strengthened to protect the brave, fortify the meek, and expose the scurrilous.

SECTION 2. Section 378-62, Hawaii Revised Statutes, is amended to read as follows:

**“~~[§378-62]~~ Discharge of, threats to, or discrimination against employee for reporting violations of law.** An employer shall not discharge, threaten, or otherwise discriminate against an employee regarding the employee’s compensation, terms, conditions, location, or privileges of employment because:

- (1) The employee, or a person acting on behalf of the employee, reports or is about to report to the employer, or reports or is about to report to a public body, verbally or in writing, a violation or a suspected violation of [-a]:
  - (A) A law [or], rule, ordinance, or regulation, adopted pursuant to law of this State, a political subdivision of this State, or the United States[-]; or
  - (B) A contract executed by the State, a political subdivision of the State, or the United States,
 unless the employee knows that the report is false; or
- (2) An employee is requested by a public body to participate in an investigation, hearing, or inquiry held by that public body, or a court action.”

SECTION 3. Section 378-63, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) A person who alleges a violation of this part may bring a civil action for appropriate injunctive relief, or actual damages, or both within ~~[ninety-days]~~ two years after the occurrence of the alleged violation of this part.”

SECTION 4. Section 378-65, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) A person who violates this part shall be fined not less than \$500 nor more than [\$500] \$5,000 for each violation.”

SECTION 5. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 6. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

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

(Approved April 26, 2002.)