



HAWAI‘I CIVIL RIGHTS COMMISSION

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February 23, 2017
Rm. 016, 9:15 a.m.

To: The Honorable Gilbert Keith-Agaran, Chair
Members of the Senate Committee on Judiciary and Labor

From: Linda Hamilton Krieger, Chair
and Commissioners of the Hawai‘i Civil Rights Commission

Re: S.B. No. 979

The Hawai‘i Civil Rights Commission (HCRC) has enforcement jurisdiction over Hawai‘i’s laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state funded services. The HCRC carries out the Hawai‘i constitutional mandate that no person shall be discriminated against in the exercise of their civil rights. Art. I, Sec. 5.

The HCRC supports S.B. No. 979, which amends HRS § 489-5(a) to remove the requirement of a conspiracy of two or more persons as a required element of certain discriminatory practices in public accommodations. Under the current law, it is not a violation for a place of public accommodation or a person acting alone to engage in retaliation for opposition to discrimination, aid, abet, incite or coerce discriminatory practices, or obstruct or prevent compliance with the public accommodation law, *in the absence of a conspiracy of two or more persons*.

Removal of the conspiracy requirement will help to ensure that the public is protected against retaliation for opposing discrimination in places of public accommodation, and that anyone who aids, abets, incites, or coerces discriminatory practices, or obstructs or prevents compliance with the public accommodations law, can be held responsible. Our fair employment and fair housing laws protecting against these discriminatory practices do not include conspiracy as a required element.