

HB 1113

RELATING TO DISCRIMINATORY PRACTICES
IN PUBLIC ACCOMMODATIONS.

LAB, JUD

HB1113



Submit Testimony

Measure Title: RELATING TO DISCRIMINATORY PRACTICES IN PUBLIC ACCOMMODATIONS.

Report Title: Hawaii Civil Rights Commission; Discriminatory Practices in Public Accommodations

Description: Removes the requirement of a conspiracy of two or more persons as an element of prohibited discriminatory practices in places of public accommodation.

Companion: [SB979](#)

Package: Governor

Current Referral: LAB, JUD

Introducer(s): SOUKI (Introduced by request of another party)

Sort by Date		Status Text
1/23/2017	H	Pending introduction.
1/25/2017	H	Pass First Reading
1/27/2017	H	Referred to LAB, JUD, referral sheet 5
2/6/2017	H	Bill scheduled to be heard by LAB on Thursday, 02-09-17 10:00AM in House conference room 309.

S = Senate | **H** = House | **D** = Data Systems | **\$** = Appropriation measure | **ConAm** = Constitutional Amendment
Some of the above items require Adobe Acrobat Reader. Please visit [Adobe's download page](#) for detailed instructions.

A BILL FOR AN ACT

RELATING TO DISCRIMINATORY PRACTICES IN PUBLIC ACCOMMODATIONS.

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

1 SECTION 1. Section 489-5, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) It is a discriminatory practice for [~~two or more~~
4 ~~persons to conspire:~~] a person or a place of public
5 accommodation:

6 (1) To retaliate or discriminate against a person because
7 the person has opposed an unfair discriminatory
8 practice;

9 (2) To aid, abet, incite, or coerce a person or a place of
10 public accommodation to engage in a discriminatory
11 practice; or

12 (3) Wilfully, to obstruct, or prevent, a person or a place
13 of public accommodation from complying with this
14 chapter."

15 SECTION 2. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17

H.B. NO. 1113

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

2

3

INTRODUCED BY:

A handwritten signature in black ink, appearing to read "Jeffrey", is written over a horizontal line.

4

BY REQUEST

JAN 23 2017

H.B. NO. 1113

Report Title:

Hawaii Civil Rights Commission; Discriminatory Practices in
Public Accommodations

Description:

Removes the requirement of a conspiracy of two or more persons
as an element of prohibited discriminatory practices in places
of public accommodation.

*The summary description of legislation appearing on this page is for informational purposes only and is
not legislation or evidence of legislative intent.*

JUSTIFICATION SHEET

DEPARTMENT: Labor and Industrial Relations

TITLE: A BILL FOR AN ACT RELATING TO DISCRIMINATORY PRACTICES IN PUBLIC ACCOMMODATIONS.

PURPOSE: To remove the requirement of a conspiracy of two or more persons as an element of prohibited discriminatory practices in places of public accommodation.

MEANS: Amend section 489-5(a), Hawaii Revised Statutes.

JUSTIFICATION: This proposal will remove the requirement of a conspiracy of two or more persons as an element of discriminatory practices in places of public accommodation. Under the current law, retaliation for opposition to discrimination, or aiding, abetting, inciting, or coercion of discriminatory practices, or obstruction or prevention of compliance with the public accommodations law by a place of public accommodation or a person acting alone is not prohibited in the absence of a conspiracy.

Impact on the public: This measure will help ensure that the public will be protected from retaliation by persons or places of public accommodations for opposing unfair discriminatory practices. This will ensure full, equal, and nondiscriminatory access to and enjoyment of public accommodations.

Impact on the department and other agencies: This proposal improves Hawaii Civil Rights Commission's ability to protect people who oppose unfair discriminatory practices from retaliation.

GENERAL FUND: None.

OTHER FUNDS: None.

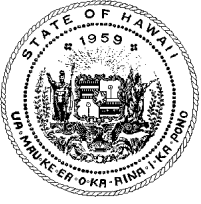
PPBS PROGRAM

DESIGNATION: LBR153.

OTHER AFFECTED

AGENCIES: None.

EFFECTIVE DATE: Upon approval.



HAWAI‘I CIVIL RIGHTS COMMISSION

830 PUNCHBOWL STREET, ROOM 411 HONOLULU, HI 96813 · PHONE: 586-8636 FAX: 586-8655 TDD: 568-8692

February 9, 2017
Rm. 309, 10:00 a.m.

To: The Honorable Aaron Ling Johanson, Chair
Members of the House Committee on Labor and Public Employment

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

Re: H.B. No. 1113

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 H.B. No. 1113, 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, *in the absence of a conspiracy of two or more persons*, it is not a violation for a place of public accommodation or a person acting alone to: engage in retaliation for opposition to discrimination; or to aid, abet, incite or coerce discriminatory practices; or to obstruct or prevent compliance with the public accommodation law.

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.

holt1 - Joyleanne

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 6, 2017 5:29 PM
To: LABtestimony
Cc: mendezj@hawaii.edu
Subject: *Submitted testimony for HB1113 on Feb 9, 2017 10:00AM*

HB1113

Submitted on: 2/6/2017

Testimony for LAB on Feb 9, 2017 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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HB 1113

Late testimony