

### 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 our 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 any false reporting recourse for just compensation through civil 10 action. 11 SECTION 2. The Hawaii Revised Statutes is amended by 12 adding a new chapter to be appropriately designated and to read 13 as follows: 14 "CHAPTER
- 15 DISCRIMINATORY REPORTING TO A LAW ENFORCEMENT OFFICER
- 16 -1 Discriminatory reporting; law enforcement officer;
- 17 civil remedy. (a) Any person:

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1	(1)	Who summons or reports to a law enforcement officer,
2		without reason to suspect a violation of the Hawaii
3		Penal Code, any other criminal conduct, or an imminent
4		danger to a person or property, has occurred or is
5		occurring; and
6	(2)	Whose summons or report is based in whole or in
7		substantial part because of that person's belief or
8		perception regarding the race, color, religion, age,
9		sex, including gender identity or expression, sexual
10		orientation, marital status, national origin,
11		ancestry, or disability of another person, regardless
12		of whether the belief or perception is correct,
13	shall be	liable in a civil action or proceeding.
14	(b)	Any person injured by a violation of subsection (a)
15	may bring	a civil action in a court of competent jurisdiction in
16	the State	for injunctive relief, damages, or other appropriate
17	relief.	If, in the action, the court finds that the defendant
18	is violat	ing or has violated this section, it shall enjoin the
19	defendant	from a continuance thereof. It shall not be necessary
20	that actu	al damages to the plaintiff be alleged or proved in

order to obtain the injunction.

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	INTRODUCED BY:		
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7	SECTION 3. This Act shall take effect upon its approval.		
6	has occurred or is occurring."		
5	suspect such a violation, criminal conduct, or imminent danger		
4	occurred or is occurring if a reasonable person would not		
3	conduct, or an imminent danger to a person or property has		
2	suspect a violation of the Hawaii Penal Code, any other criminal		
1	(c) For purposes of this section, a person lacks reason to		

#### 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 summons or reports to a law enforcement officer, without reason to suspect a crime, offense, or imminent danger has occurred or is occurring, because of that person's belief or perception involving a member of a protected class shall be civilly liable.

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