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# A BILL FOR AN ACT

RELATING TO CIVIL INTERFERENCE WITH CONSTITUTIONAL AND STATUTORY RIGHTS.

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

1           SECTION 1. The legislature finds that rights guaranteed  
2 under the Constitution of the United States, Constitution of the  
3 State of Hawaii, and various federal and state laws are  
4 meaningful only if they are effectively enforceable. The  
5 legislature further finds that threats, intimidation, and  
6 coercion, whether those actions are committed by public  
7 officials or private persons, undermine the free exercise and  
8 enjoyment of these rights.

9           Accordingly, the purpose of this Act is to deter  
10 interference with civil rights, provide effective civil remedies  
11 for such interference, and promote accountability by authorizing  
12 civil actions against any person who interferes or attempts to  
13 interfere with the exercise or enjoyment of constitutional and  
14 statutory rights.



1 SECTION 2. The Hawaii Revised Statutes is amended by  
2 adding a new chapter to title 36 to be appropriately designated  
3 and to read as follows:

4 "CHAPTER

5 CIVIL INTERFERENCE WITH CONSTITUTIONAL AND STATUTORY RIGHTS

6 § -1 **Short title.** This chapter shall be known and may  
7 be cited as the Hawaii Civil Rights Protection Act.

8 § -2 **Civil interference with constitutional or statutory**  
9 **rights.** (a) Any person who interferes, or attempts to  
10 interfere, with the exercise or enjoyment of any right secured  
11 by the constitution or laws of the United States, or by the  
12 constitution or laws of the State of Hawaii, by threats,  
13 intimidation, or coercion, shall be liable in a civil action  
14 under this chapter, regardless of whether the person is acting  
15 under color of law.

16 (b) A threat, intimidation, or coercion described in  
17 subsection (a) may include conduct inherent in the  
18 constitutional or statutory violation itself.

19 § -3 **Standing; enforcement.** (a) A civil action under  
20 this chapter may be brought by:

21 (1) Any aggrieved person;



1 (2) The attorney general; or

2 (3) The corporation counsel or county attorney of any  
3 county.

4 (b) An action brought by the attorney general, corporation  
5 counsel, or county attorney shall be brought in the name of the  
6 State of Hawaii.

7 § -4 **Venue.** An action under this chapter may be brought  
8 in the circuit court in the circuit where:

9 (1) The violation occurred; or

10 (2) The defendant resides or has a principal place of  
11 business.

12 § -5 **Remedies.** (a) A plaintiff who prevails in a civil  
13 action under this chapter may obtain one or more of the  
14 following remedies:

15 (1) Actual damages;

16 (2) Injunctive relief;

17 (3) Declaratory relief; and

18 (4) Reasonable attorneys' fees and costs.

19 (b) The remedies provided by this chapter shall be  
20 cumulative and independent of any other remedy available under  
21 law.



# S.B. NO. 2438

1           §   -6 **Speech protections.** (a) Speech alone shall not  
2 constitute a violation of this chapter unless:

3           (1) The speech constitutes a true threat of violence  
4                 against a specific person or group of persons; and

5           (2) The threatened person or group reasonably fears  
6                 imminent harm.

7           (b) No order issued under this chapter shall restrict the  
8 content of any person's speech. Any restriction on the time,  
9 place, or manner of speech shall be narrowly tailored and no  
10 broader than reasonably necessary to protect the exercise or  
11 enjoyment of constitutional or statutory rights.

12          §   -7 **Construction.** This chapter shall be liberally  
13 construed to protect constitutional and statutory rights, deter  
14 interference with those rights, promote accountability, and  
15 provide effective remedies for a person who was subjected to the  
16 interference or attempted interference.

17          §   -8 **Severability.** If any provision of this chapter, or  
18 the application thereof to any person or circumstance, is held  
19 invalid, the invalidity does not affect other provisions or  
20 applications of the chapter that can be given effect without the



# S.B. NO. 2438

1 invalid provision or application, and to this end the provisions  
2 of this chapter are severable."

3 SECTION 3. This Act does not affect rights and duties that  
4 matured, penalties that were incurred, and proceedings that were  
5 begun before its effective date.

6 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: Karl Rhoads



# S.B. NO. 2438

**Report Title:**

Hawaii Civil Rights Protection Act; Constitutional Rights; Civil Remedies; Relief; AG; Counties

**Description:**

Establishes a civil cause of action for interference with constitutional and statutory rights through threats, intimidation, or coercion. Authorizes private rights of action. Authorizes actions to be brought by the Attorney General, County Corporation Counsel, or County Attorney. Authorizes injunctive relief, declaratory relief, and certain monetary relief. Includes protections for constitutionally protected speech.

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

