
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 Definitions. As used in this chapter, unless
9 context clearly requires otherwise:

10 "Coercion" means the use of threats or intimidation or the
11 misuse of authority to compel or induce a person to do or
12 refrain from doing an act the person has a legal right to do or
13 refrain from doing.

14 "Intimidation" means a conduct or communication that would
15 place a reasonable person in fear of physical harm or unlawful
16 restraint and is undertaken for the purpose of causing the
17 person to refrain from exercising a right protected by the
18 United States Constitution, laws of the United States, or laws
19 of the State.

20 "Person" means an individual, partnership, association,
21 corporation, limited liability company, or other private legal



1 entity. "Person" does not include the State, any county, or any
2 department, agency, board, commission, officer, or employee of
3 the State or any county acting with the scope of official
4 duties, except to the extent that immunity is expressly waived
5 by the law.

6 "Threat" means a communicated intent to inflict physical
7 harm, unlawful restraint, or unlawful damage to property that
8 would cause a reasonable person to fear that harm will occur.

9 § -3 **Civil interference with constitutional or statutory**
10 **rights.** (a) Any person who intentionally or knowingly
11 interferes, or attempts to interfere, with the exercise or
12 enjoyment of any right secured by the United States Constitution
13 or laws of the United States, or by the Hawaii State
14 Constitution or laws of the State, by threats, intimidation, or
15 coercion, shall be liable in a civil action under this chapter,
16 regardless of whether the person is acting under color of law.

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

20 § -4 **Standing; enforcement.** (a) A civil action under
21 this chapter may be brought by:



- 1 (1) Any aggrieved person;
- 2 (2) The attorney general; or
- 3 (3) The corporation counsel or county attorney of any
- 4 county.

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

8 § -5 **Venue.** An action under this chapter may be brought
9 in the circuit court in the circuit where:

- 10 (1) The violation occurred; or
- 11 (2) The defendant resides or has a principal place of
- 12 business.

13 § -6 **Remedies.** (a) A plaintiff who prevails in a civil
14 action under this chapter may obtain one or more of the
15 following remedies:

- 16 (1) Actual damages;
- 17 (2) Injunctive relief;
- 18 (3) Declaratory relief; and
- 19 (4) Reasonable attorneys' fees and costs.



1 (b) The remedies provided by this chapter shall be
2 cumulative and independent of any other remedy available under
3 law.

4 § -7 **Statute of limitations.** (a) An action under this
5 chapter shall be commenced within two years after the date that
6 the cause of action accrued.

7 (b) an action for injunctive or declaratory relief shall
8 be commenced within two years after accrual; provided that a
9 court may grant prospective relief to prevent threatened future
10 violations when timely sought.

11 § -8 **Pleading.** A complaint brought under this chapter
12 shall state with particularity the facts:

13 (1) Establishing the specific protected right at issue;

14 (2) Establishing the threats, intimidation, or coercion
15 used or attempted; and

16 (3) Supporting the defendant's required state of mind
17 under this chapter.

18 § -9 **Speech protections.** (a) Speech alone shall not
19 constitute a violation of this chapter unless:

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



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

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

8 § -10 **Construction.** This chapter shall be liberally
9 construed to protect constitutional and statutory rights, deter
10 interference with those rights, promote accountability, and
11 provide effective remedies for a person who was subjected to the
12 interference or attempted interference.

13 § -11 **Severability.** If any provision of this chapter,
14 or the application thereof to any person or circumstance, is
15 held invalid, the invalidity does not affect other provisions or
16 applications of the chapter that can be given effect without the
17 invalid provision or application, and to this end the provisions
18 of this chapter are severable."

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



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



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.
(SD1)

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

