

ACT 259

S.B. NO. 116

A Bill for an Act Relating to Discrimination.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that the vigilance of individual citizens can keep communities safe through the reporting of witnessed criminal conduct to law enforcement. However, the legislature also finds that in certain circumstances, individuals have misused the ability to summon law enforcement officers against persons of protected classes without reason to suspect a crime is being committed.

The purpose of this Act is to give any person injured by discriminatory reporting to a law enforcement officer recourse through civil action.

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

**“CHAPTER
DISCRIMINATORY REPORTING TO A LAW ENFORCEMENT
OFFICER**

§ -1 Discriminatory reporting; law enforcement officer; civil remedy.

(a) Any person who knowingly causes a law enforcement officer to come to a location to contact a person on the basis of the person’s actual or perceived race, color, ancestry, ethnicity, national origin, place of birth, sex, age, religion, disability, sexual orientation, or gender identity or expression with the specific intent to:

- (1) Infringe upon the person’s rights under the Hawaii State Constitution or United States Constitution;
- (2) Discriminate against the person;
- (3) Cause the person to feel harassed, humiliated, or embarrassed;
- (4) Cause the person to be expelled from a place that the person is lawfully located;
- (5) Damage the person’s reputation or standing within the community;
- or
- (6) Damage the person’s financial, economic, consumer, or business prospects or interests,

shall be liable in a civil action or proceeding.

(b) Any person injured by a violation of subsection (a) may bring a civil action in a court of competent jurisdiction in the State for injunctive relief; payment for damages, which may include punitive damages; or other appropriate relief. If, in the action, the court finds that the defendant is violating or has violated subsection (a), the court shall enjoin the defendant from a continuance thereof. It shall not be necessary that actual damages to the plaintiff be alleged or proved in order to obtain the injunction.

(c) If the judgment is for the plaintiff, the plaintiff shall be awarded damages of no less than \$1,000 plus attorneys’ fees and costs.

§ -2 Guidance. The department of law enforcement, in consultation with the Hawaii civil rights commission, shall provide guidance to the public on the civil liability and remedies available for discriminatory reporting to a law enforcement officer pursuant to this chapter.”

SECTION 3. Section 368-1, Hawaii Revised Statutes, is amended to read as follows:

“§368-1 Purpose and intent. The legislature finds and declares that the practice of discrimination because of race, color, religion, age, sex, including gender identity or expression, sexual orientation, marital status, national origin, place of birth, ancestry, or disability in employment, housing, public accommodations, or access to services receiving state financial assistance is against public policy. It is the purpose of this chapter to provide a mechanism that provides for a uniform procedure for the enforcement of the State’s discrimination laws. It is the legislature’s intent to preserve all existing rights and remedies under such laws.”

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SECTION 4. New statutory material is underscored.

SECTION 5. This Act shall take effect on September 1, 2025.

(Approved July 1, 2025.)