

State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

HOUSE BILL 1126

By: Representative Collins

For An Act To Be Entitled

AN ACT TO AMEND THE DEFINITION OF "EMPLOYER" AND THE
HATE OFFENSE AND RETALIATION PROVISIONS OF THE
ARKANSAS CIVIL RIGHTS ACT OF 1993; AND FOR OTHER
PURPOSES.

Subtitle

TO AMEND THE DEFINITION OF "EMPLOYER" AND
THE HATE OFFENSE AND RETALIATION
PROVISIONS OF THE ARKANSAS CIVIL RIGHTS
ACT OF 1993.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 16-123-102(5), concerning the definition of "employer" as it is used in the Arkansas Civil Rights Act of 1993, is amended to read as follows:

(5) "Employer" means a person who employs nine (9) or more employees in the State of Arkansas in each of twenty (20) or more calendar weeks in the current or preceding calendar year, ~~or any agent of such person;~~

SECTION 2. Arkansas Code § 16-123-106 is amended to read as follows:
16-123-106. Hate offenses.

(a) ~~An action for injunctive relief or civil damages, or both, shall lie for any person who is subjected to acts of~~ A person may bring a civil action for injunctive relief or damages, or both, if he or she is subject to an act motivated by racial, religious, or ethnic animosity and the act was an act of:



(1) Intimidation or harassment;
 (2) Violence directed against his or her person; or
 (3) Vandalism directed against his or her real or personal property, ~~where such acts are motivated by racial, religious, or ethnic animosity.~~

(b) Any aggrieved party who initiates and prevails in ~~an~~ a civil action authorized by this section ~~shall be~~ is entitled to damages, including punitive damages, and in the discretion of the court to an award of the cost of the ~~litigation~~ civil action, and a reasonable attorney's fee in an amount to be fixed by the court.

(c) This section ~~shall~~ does not apply to:

(1) ~~speech~~ Speech or conduct protected by the United States Constitution, Amendment I, or ~~Article 2, § 6, of the~~ Arkansas Constitution, Article 2, § 6; or

(2) A civil action:

(A) Between an employee and his or her employer or between or among employees of the same employer;

(B) For damages arising out of an incident occurring in the workplace; or

(C) Arising out of the employee-employer relationship.

SECTION 3. Arkansas Code § 16-123-108 is amended to read as follows:
 16-123-108. Retaliation – Interference – Remedies.

(a) Retaliation. ~~No~~ A person shall not discriminate against any individual because ~~such~~ the individual in good faith has opposed any act or practice made unlawful by this subchapter or because ~~such~~ the individual in good faith made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this subchapter.

(b) Interference, Coercion, or Intimidation. It ~~shall be~~ is unlawful to coerce, intimidate, threaten, or interfere with any individual in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other individual in the exercise or enjoyment of, any right granted or protected by this subchapter.

(c)(1) Remedies and Procedures. The remedies and procedures available in § 16-123-107(b) ~~shall be~~ are available to aggrieved persons for ~~violations~~

~~of subsections~~ a violation of subsection (a) and or subsection (b) of this section.

(2) An employment-related claim or a claim arising out of the employee-employer relationship for a violation of subsection (a) or subsection (b) of this section may be brought only against an employer, and the remedies and procedures are limited to the remedies and procedures available under § 16-123-107(c).

APPROVED: 02/17/2017