

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**

A Bill

SENATE BILL

4 **By: Senators Pagan, Lewellen, Edwards, Jewell and Snyder**

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For An Act To Be Entitled

8

"THE ARKANSAS CIVIL RIGHTS ACT OF 1991."

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

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12 SECTION 1. This Act shall be referred to as the "Arkansas Civil Rights
13 Act of 1991".

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15 SECTION 2. Every governmental entity or natural person who, under color
16 of any statute, ordinance, regulation, custom, or usage, of this State or any
17 of its political subdivisions, subjects, or causes to be subjected, any person
18 to the deprivation of any rights, privileges, or immunities secured by the
19 Constitution of Arkansas, shall be liable to the party injured in an action at
20 law, suit in equity, or other proper proceeding for redress. This section
21 shall be enforced in the same manner, with the same remedies, as 42 U.S.C. §
22 1983.

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24 SECTION 3. An action for injunctive relief or civil damages, or both,
25 shall lie for any person who is subjected to acts of

26 (i) intimidation or harassment, or

27 (ii) violence directed against his person, or

28 (iii) vandalism directed against his real or personal property, where

29 such acts are motivated by racial, religious, or ethnic animosity. Any

30 aggrieved party who initiates and prevails in an action authorized by this

31 section shall be entitled to damages, including punitive damages, and in the

32 discretion of the court to an award of the cost of the litigation and

33 reasonable attorneys' fees in an amount to be fixed by the court.

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35 SECTION 4. The right to be free from discrimination because of race,

1 religion, ancestry or national origin, gender, or the presence of any sensory,
2 mental, or physical disability is recognized as and declared to be a civil
3 right. This right shall include, but not be limited to:

4 (a) The right to obtain and hold employment without discrimination;

5 (b) The right to the full enjoyment of any of the accommodations,
6 advantages, facilities, or privileges of any place of public resort,
7 accommodation, assemblage, or amusement;

8 (c) The right to engage in property transactions without
9 discrimination;

10 (d) The right to engage in credit and other contractual transactions
11 without discrimination; and

12 (e) The right to vote and participate fully in the political process.

13 Any person who is injured by an intentional act of discrimination prohibited
14 by this section shall have a civil action in a court of competent jurisdiction
15 to enjoin further violations, to recover compensatory or punitive damages,
16 and, in the discretion of the court, to recover the cost of litigation and
17 reasonable attorneys' fees.

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19 SECTION 5. All provisions of this Act of a general and permanent nature
20 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
21 Revision Commission shall incorporate the same in the Code.

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23 SECTION 6. If any provision of this Act or the application thereof to
24 any person or circumstance is held invalid, such invalidity shall not affect
25 other provisions or applications of the Act which can be given effect without
26 the invalid provision or application, and to this end the provisions of this
27 Act are declared to be severable.

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29 SECTION 7. All laws and parts of laws in conflict with this Act are
30 hereby repealed.

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