

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
91st General Assembly  
Regular Session, 2017

As Engrossed: H3/8/17  
**A Bill**

HOUSE BILL 1737

By: Representative Collins

### **For An Act To Be Entitled**

AN ACT TO AMEND AND CLARIFY THE DISCRIMINATION AND  
RETALIATION PROVISIONS OF THE ARKANSAS CIVIL RIGHTS  
ACT OF 1993; AND FOR OTHER PURPOSES.

### **Subtitle**

TO AMEND AND CLARIFY THE DISCRIMINATION  
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. DO NOT CODIFY. Legislative intent.

It is the intent of the General Assembly that this act not duplicate an award for damages over the statutory limit allowed by any other state or federal law, as this act is based on damages already provided for under federal law.

SECTION 2. Arkansas Code § 16-123-107(c), concerning damages available to a person who proves a discrimination offense, is amended to read as follows:

(c)(1)(A) Any individual who is injured by employment discrimination by an employer in violation of subdivision (a)(1) of this section shall have a civil *action against the employer only* in a court of competent jurisdiction, which may issue an order prohibiting the discriminatory practices and provide affirmative relief from the effects of the practices, and award back pay, interest on back pay, and, in the discretion of the court, the cost of litigation and a reasonable attorney's fee.



(B) No liability for back pay shall accrue from a date more than two (2) years prior to the filing of an action.

(2)(A) In addition to the remedies under subdivision (c)(1)(A) of this section, any individual who is injured by intentional discrimination by an employer in violation of subdivision (a)(1) of this section shall be entitled to recover compensatory damages and punitive damages.

(B) The total compensatory and punitive damages awarded under ~~this~~ subdivision (c)(2)(A) of this section shall not exceed:

(i) The sum of fifteen thousand dollars (\$15,000) in the case of an employer who employs fewer than fifteen (15) employees in each of twenty (20) or more calendar weeks in the current or preceding calendar year;

(ii) The sum of fifty thousand dollars (\$50,000) in the case of an employer who employs more than fourteen (14) and fewer than one hundred one (101) employees in each of twenty (20) or more calendar weeks in the current or preceding calendar year;

(iii) The sum of one hundred thousand dollars (\$100,000) in the case of an employer who employs more than one hundred (100) and fewer than two hundred one (201) employees in each of twenty (20) or more calendar weeks in the current or preceding calendar year;

(iv) The sum of two hundred thousand dollars (\$200,000) in the case of an employer who employs more than two hundred (200) and fewer than five hundred one (501) employees in each of twenty (20) or more calendar weeks in the current or preceding calendar year; and

(v) The sum of three hundred thousand dollars (\$300,000) in the case of an employer who employs more than five hundred (500) employees in each of twenty (20) or more calendar weeks in the current or preceding calendar year.

(3) Damages under subdivisions (C)(2)(B)(ii)-(v) of this section shall not duplicate or increase an award for damages over the statutory limit allowed by state law or any federal law, as the federal law existed on January 1, 2017.

~~(3)~~(4) Any action based on employment discrimination in violation of subdivision (a)(1) of this section shall be brought within one (1) year after the alleged employment discrimination occurred, or within ninety (90) days of receipt of a "Right to Sue" letter or a notice of

“Determination” from the United States Equal Employment Opportunity Commission concerning the alleged unlawful employment practice, whichever is later.

*/s/Collins*