

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

A Bill

HOUSE BILL 1614

5 By: Representative Collins
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For An Act To Be Entitled

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

14 TO AMEND THE DEFINITION OF "EMPLOYER" AND
15 THE HATE OFFENSE AND RETALIATION
16 PROVISIONS OF THE ARKANSAS CIVIL RIGHTS
17 ACT OF 1993.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 16-123-102(5), concerning the definition of
24 "employer" as it is used in the Arkansas Civil Rights Act of 1993, is amended
25 to read as follows:

26 (5) "Employer" means a person who employs nine (9) or more employees
27 in the State of Arkansas in each of twenty (20) or more calendar weeks in the
28 current or preceding calendar year, ~~or any agent of such person;~~
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30 SECTION 2. Arkansas Code § 16-123-106 is amended to read as follows:
31 16-123-106. Hate offenses.

32 (a) ~~An~~ When the acts are motivated by racial, religious, or ethnic
33 animosity, an action for injunctive relief or civil damages, or both, ~~shall~~
34 lie is available for any person who is subjected to acts of:

- 35 (1) Intimidation or harassment; ~~or~~
- 36 (2) Violence directed against his or her person; or



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

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

9 (c) This section shall not apply to speech or conduct protected by the
 10 First Amendment of the United States Constitution or Article 2, § 6, of the
 11 Arkansas Constitution.

12 (d) This section shall not apply to an action:

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

15 (2) For damages arising out of incidents occurring in the
 16 workplace; or

17 (3) Arising out of the employee-employer relationship.

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 19 SECTION 3. Arkansas Code § 16-123-108 is amended to read as follows:
 20 16-123-108. Retaliation – Interference – Remedies.

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

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

32 (c) (1) Remedies and Procedures. The remedies and procedures available
 33 in § 16-123-107(b) ~~shall be~~ are available to aggrieved persons for ~~violations~~
 34 ~~of subsections~~ a violation of subsection (a) ~~and~~ or (b) of this section.

35 (2) An employment-related claim or a claim arising out of the
 36 employee-employer relationship for a violation of subsection (a) or (b) may

1 be brought only against an employer, and the remedies and procedures are
2 limited to those available under § 16-123-107(c).

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