

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: H3/8/17
A Bill

HOUSE BILL 1737

5 By: Representative Collins
6

7 **For An Act To Be Entitled**

8 AN ACT TO AMEND AND CLARIFY THE DISCRIMINATION AND
9 RETALIATION PROVISIONS OF THE ARKANSAS CIVIL RIGHTS
10 ACT OF 1993; AND FOR OTHER PURPOSES.
11

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13 **Subtitle**

14 TO AMEND AND CLARIFY THE DISCRIMINATION
15 AND RETALIATION PROVISIONS OF THE
16 ARKANSAS CIVIL RIGHTS ACT OF 1993.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. DO NOT CODIFY. Legislative intent.

22 It is the intent of the General Assembly that this act not duplicate an
23 award for damages over the statutory limit allowed by any other state or
24 federal law, as this act is based on damages already provided for under
25 federal law.
26

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

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



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

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

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

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

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

17 (iii) The sum of one hundred thousand dollars
18 (\$100,000) in the case of an employer who employs more than one hundred (100)
19 and fewer than two hundred one (201) employees in each of twenty (20) or more
20 calendar weeks in the current or preceding calendar year;

21 (iv) The sum of two hundred thousand dollars
22 (\$200,000) in the case of an employer who employs more than two hundred (200)
23 and fewer than five hundred one (501) employees in each of twenty (20) or
24 more calendar weeks in the current or preceding calendar year; and

25 (v) The sum of three hundred thousand dollars
26 (\$300,000) in the case of an employer who employs more than five hundred
27 (500) employees in each of twenty (20) or more calendar weeks in the current
28 or preceding calendar year.

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

33 ~~(3)(4)~~ *Any action based on employment discrimination in*
34 *violation of subdivision (a)(1) of this section shall be brought within one*
35 *(1) year after the alleged employment discrimination occurred, or within*
36 *ninety (90) days of receipt of a "Right to Sue" letter or a notice of*

1 "Determination" from the United States Equal Employment Opportunity
2 Commission concerning the alleged unlawful employment practice, whichever is
3 later.

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/s/Collins

APPROVED: 03/31/2017