

1 **State of Arkansas**

2 **78th General Assembly**

3 **Regular Session, 1991**

A Bill

HOUSE BILL 1824

4 **By: Representatives Walker, Townsend, Brown, McGee, Brownlee, J.J. Roberts, Smith,**

5 **J.L. Wilson, Wilkins**

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For An Act To Be Entitled

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"THE ARKANSAS CIVIL RIGHTS ACT OF 1991."

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

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

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16 SECTION 2. Every governmental entity or natural person who, under color
17 of any statute, ordinance, regulation, custom, or usage, of this State or any
18 of its political subdivisions, subjects, or causes to be subjected, any person
19 to the deprivation of any rights, privileges, or immunities secured by the
20 Constitution of Arkansas, shall be liable to the party injured in an action at
21 law, suit in equity, or other proper proceeding for redress. *In the*
22 *discretion of the court, a party held liable under this section shall also pay*
23 *the injured party's cost of litigation and reasonable attorneys' fees in an*
24 *amount to be fixed by the court. When construing this section, a court may*
25 *look for guidance to state and federal decisions interpreting the federal*
26 *Civil Rights Act of 1871, as amended and codified in 42 U.S.C. § 1983, as in*
27 *effect on January 1, 1991, which decisions and Act shall have persuasive*
28 *authority only. This section does not alter the law of state sovereign*
29 *immunity.*

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31 SECTION 3. (a) An action for injunctive relief or civil damages, or
32 both, shall lie for any person who is subjected to acts of

33 (i) intimidation or harassment, or

34 (ii) violence directed against his person, or

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

1 such acts are motivated by racial, religious, or ethnic animosity. Any
 2 aggrieved party who initiates and prevails in an action authorized by this
 3 section shall be entitled to damages, including punitive damages, and in the
 4 discretion of the court to an award of the cost of the litigation and
 5 reasonable attorneys' fees in an amount to be fixed by the court.

6 ***(b) The provisions of this section shall not apply to any actions***
 7 *between an employee and his employer, or between or among employees of the*
 8 *same employer, for damages arising out of incidents occurring in the workplace*
 9 *or arising out of the employee - employer relationship.*

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11 SECTION 4. The right to be free from discrimination because of race,
 12 religion, ancestry or national origin, gender, or the presence of any sensory,
 13 mental, or physical disability is recognized as and declared to be a civil
 14 right. This right shall include, but not be limited to:

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

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

19 (c) The right to engage in property transactions without
 20 discrimination;

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

23 (e) The right to vote and participate fully in the political process.
 24 Any person who is injured by an intentional act of discrimination prohibited
 25 by this section shall have a civil action in a court of competent jurisdiction
 26 to enjoin further violations, to recover compensatory or punitive damages,
 27 and, in the discretion of the court, to recover the cost of litigation and
 28 reasonable attorneys' fees. *A defendant may avoid liability by showing that*
 29 *his actions were based on legitimate, non-discriminatory factors and not on*
 30 *unjustified reasons.*

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32 SECTION 5. *This Act shall not affect matters regulated by the Arkansas*
 33 *Insurance Code or the Unfair Trade Practices Act of the Arkansas Insurance*
 34 *Code, Arkansas Code Annotated §23-66-206.*

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36 SECTION 6. All provisions of this Act of a general and permanent nature

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