

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

# A Bill

HOUSE BILL 1126

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;~~  
29

30 SECTION 2. Arkansas Code § 16-123-106 is amended to read as follows:  
31 16-123-106. Hate offenses.

32 (a) ~~An action for injunctive relief or civil damages, or both, shall~~  
33 ~~lie for any person who is subjected to acts of~~ A person may bring a civil  
34 action for injunctive relief or damages, or both, if he or she is subject to  
35 an act motivated by racial, religious, or ethnic animosity and the act was an  
36 act of:



- 1 (1) Intimidation or harassment;
- 2 (2) Violence directed against his or her person; or
- 3 (3) Vandalism directed against his or her real or personal
- 4 property, ~~where such acts are motivated by racial, religious, or ethnic~~
- 5 ~~animosity.~~

6 (b) Any aggrieved party who initiates and prevails in ~~an~~ a civil

7 action authorized by this section ~~shall be~~ is entitled to damages, including

8 punitive damages, and in the discretion of the court to an award of the cost

9 of the ~~litigation~~ civil action, and a reasonable attorney's fee in an amount

10 to be fixed by the court.

11 (c) This section ~~shall~~ does not apply to:

12 (1) ~~speech~~ Speech or conduct protected by the United States

13 Constitution, Amendment I, or ~~Article 2, § 6, of the~~ Arkansas Constitution,

14 Article 2, § 6; or

15 (2) A civil action:

16 (A) Between an employee and his or her employer or between

17 or among employees of the same employer;

18 (B) For damages arising out of an incident occurring in

19 the workplace; or

20 (C) Arising out of the employee-employer relationship.

21

22 SECTION 3. Arkansas Code § 16-123-108 is amended to read as follows:

23 16-123-108. Retaliation – Interference – Remedies.

24 (a) Retaliation. ~~No~~ A person shall not discriminate against any

25 individual because ~~such~~ the individual in good faith has opposed any act or

26 practice made unlawful by this subchapter or because ~~such~~ the individual in

27 good faith made a charge, testified, assisted, or participated in any manner

28 in an investigation, proceeding, or hearing under this subchapter.

29 (b) Interference, Coercion, or Intimidation. It ~~shall be~~ is unlawful

30 to coerce, intimidate, threaten, or interfere with any individual in the

31 exercise or enjoyment of, or on account of his or her having exercised or

32 enjoyed, or on account of his or her having aided or encouraged any other

33 individual in the exercise or enjoyment of, any right granted or protected by

34 this subchapter.

35 (c)(1) Remedies and Procedures. The remedies and procedures available

36 in § 16-123-107(b) ~~shall be~~ are available to aggrieved persons for ~~violations~~

1 ~~of subsections~~ a violation of subsection (a) and or subsection (b) of this  
2 section.

3 (2) An employment-related claim or a claim arising out of the  
4 employee-employer relationship for a violation of subsection (a) or  
5 subsection (b) of this section may be brought only against an employer, and  
6 the remedies and procedures are limited to the remedies and procedures  
7 available under § 16-123-107(c).

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