

1 HB615
2 168827-1
3 By Representatives England, Melton and Hall
4 RFD: Judiciary
5 First Read: 05-MAY-15

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8 SYNOPSIS: This bill would provide that the right of a
9 person to be free from discrimination because of
10 race, color, religion, national origin, sex, sexual
11 orientation, gender identity, disability, or
12 familial status is a civil right and would provide
13 remedies for violations.

14
15 A BILL
16 TO BE ENTITLED
17 AN ACT

18
19 Relating to civil rights; to provide that the right
20 of a person to be free from discrimination because of race,
21 color, religion, national origin, sex, sexual orientation,
22 gender identity, disability, or familial status is a civil
23 right; and to provide remedies for violations.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. For the purposes of this act, the
26 following terms shall have the following meanings:

1 (1) BECAUSE OF SEX. Includes, but is not limited to,
2 on account of pregnancy, childbirth, or related medical
3 conditions.

4 (2) COMPENSATORY DAMAGES. Damages for mental
5 anguish, loss of dignity, and other intangible injuries. The
6 term does not include punitive damages.

7 (3) DISABILITY. A physical or mental impairment that
8 substantially limits a major life function. The term does not
9 include any of the following:

10 a. Compulsive gambling, kleptomania, or pyromania.

11 b. Current use of illegal drugs or psychoactive
12 substance use disorders resulting from illegal use of drugs.

13 c. Alcoholism.

14 (4) EMPLOYEE. Does not include any of the following:

15 a. Any individual employed by his or her parents,
16 spouse, or child.

17 b. An individual participating in a specialized
18 employment training program conducted by a nonprofit sheltered
19 workshop or rehabilitation facility.

20 c. An individual employed outside of this state.

21 (5) EMPLOYER. A person who employs nine or more
22 employees in the state each of 20 or more calendar weeks in
23 the current or preceding calendar year, or any agent of such
24 person.

25 (6) GENDER IDENTITY. The actual or perceived gender
26 related identity, expression, appearance, or mannerisms or

1 other gender related characteristics of an individual,
2 regardless of the designated sex at birth of the individual.

3 (7) NATIONAL ORIGIN. An individual's or his or her
4 ancestor's place of origin.

5 (8) PLACE OF PUBLIC RESORT, ACCOMMODATION,
6 ASSEMBLAGE, OR AMUSEMENT. Any place, store, or other
7 establishment, either licensed or unlicensed, that supplies
8 accommodations, goods, or services to the general public, or
9 that solicits or accepts the patronage or trade of the general
10 public, or that is supported directly or indirectly by
11 government funds. The term does not include any of the
12 following:

13 a. Any lodging establishment which contains not more
14 than five rooms for rent and which is actually occupied by the
15 proprietor of such establishment as a residence.

16 b. Any private club or other establishment not in
17 fact open to the public.

18 c. House of worship.

19 (9) RELIGION. All aspects of religious belief,
20 observance, and practice.

21 (10) SEXUAL ORIENTATION. Actual or perceived
22 homosexuality, heterosexuality, or bisexuality.

23 Section 2. (a) The right of an otherwise qualified
24 person to be free from discrimination because of race, color,
25 religion, national origin, sex, sexual orientation, gender
26 identity, disability, or familial status is recognized as and

1 declared to be a civil right. This right shall include, but
2 not be limited to, all of the following:

3 (1) The right to obtain and hold employment without
4 discrimination.

5 (2) The right to the full enjoyment of any of the
6 accommodations, advantages, facilities, or privileges of any
7 place of public resort, accommodation, assemblage, or
8 amusement.

9 (3) The right to engage in property transactions,
10 including to obtain housing, without discrimination.

11 (4) The right to engage in credit and other
12 contractual transactions without discrimination.

13 (5) The right to vote and participate fully in the
14 political process.

15 (b) Any person who is injured by an intentional act
16 of discrimination in violation of subdivisions (2) to (5),
17 inclusive, of subsection (a) may file a civil action in a
18 court of competent jurisdiction to enjoin further violations,
19 to recover compensatory and punitive damages, and, in the
20 discretion of the court, to recover the cost of litigation and
21 reasonable attorneys fees.

22 (c) (1) a. Any individual who is injured by employment
23 discrimination by an employer in violation of subdivision (1)
24 of subsection (a) may file a civil action in a court of
25 competent jurisdiction, which may issue an order prohibiting
26 the discriminatory practices and provide affirmative relief
27 from the effects of the practices, and award back pay,

1 interest on back pay, and, in the discretion of the court, the
2 cost of litigation and reasonable attorneys fees.

3 b. No liability for back pay shall accrue from a
4 date more than two years before the filing of an action.

5 (2) In addition to the remedies under paragraph a.
6 of subdivision (1), any individual who is injured by
7 intentional discrimination by an employer in violation of
8 subdivision (1) of subsection (a) shall be entitled to recover
9 compensatory damages and punitive damages.

10 (d) Subdivision (1) of subsection (a) does not apply
11 to the employment of an individual of a particular religion by
12 a religious corporation, association, or society to perform
13 work connected with the performance of religious activities by
14 the corporation, association, or society.

15 (e) This act may not be construed to limit any other
16 remedies available under law.

17 Section 3. This act shall become effective on the
18 first day of the third month following its passage and
19 approval by the Governor, or its otherwise becoming law.