

By: Representatives Hines, Clarke

To: Judiciary A

HOUSE BILL NO. 545

1 AN ACT TO CREATE THE "MISSISSIPPI CIVIL RIGHTS ACT"; TO
2 PROVIDE CERTAIN DEFINITIONS; TO PROVIDE THAT THE RIGHT FOR PERSONS
3 TO BE FREE FROM DISCRIMINATION IS A CIVIL RIGHT; TO PROVIDE
4 REMEDIES FOR PERSONS DISCRIMINATED AGAINST; AND FOR RELATED
5 PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 **SECTION 1.** This act shall be known and referred to as the
8 "Mississippi Civil Rights Act."

9 **SECTION 2.** As used in this act, the following words and
10 terms have the following meanings, unless a different meaning
11 clearly appears from the context:

12 (a) "Religion" means all aspects of religious belief,
13 observance and practice.

14 (b) "National origin" means an individual's or his or
15 her ancestor's place of origin.

16 (c) "Immigrant status" means a representation made by
17 an individual or determination made by an appropriate government
18 authority that an individual is present in the United States but
19 is not a citizen or national of the United States, and indicates



20 whether such individual is in the United States with or without
21 authorization.

22 (d) "Sexual orientation" means actual or perceived
23 homosexuality, heterosexuality or bisexuality.

24 (e) "Gender identity" means the actual or perceived
25 gender related identity, expression, appearance or mannerisms, or
26 other gender related characteristics of an individual, regardless
27 of the designated sex at birth of the individual.

28 (f) "Disability" means a physical or mental impairment
29 that substantially limits a major life function, not including the
30 following:

- 31 (i) Compulsive gambling, kleptomania or pyromania;
32 (ii) Current use of illegal drugs or psychoactive
33 substance use disorders resulting from illegal use of drugs; or
34 (iii) Alcoholism.

35 (g) "Familial status" means one or more individuals,
36 who have not attained the age of eighteen (18) years, being
37 domiciled with:

- 38 (i) A parent or another person having legal
39 custody of such individual or individuals; or
40 (ii) The designee of such parent or other person
41 having such custody, with the written permission of such parent or
42 other person.

43 The protections afforded against discrimination on the basis
44 of familial status shall apply to any person who is pregnant or is



45 in the process of securing legal custody of any individual who has
46 not attained the age of eighteen (18) years.

47 (h) "Compensatory damages" means damages for mental
48 anguish, loss of dignity and other intangible injuries. The term
49 does not include punitive damages.

50 (i) "Punitive damages" means damages for malicious or
51 heinous and intentional action(s) or inaction(s).

52 (j) "Employee" means any person who supplies a service
53 for remuneration or pursuant to any contract for hire to a private
54 or public employer in this state, but does not mean:

55 (i) An individual employed by his or her parents,
56 spouse or child;

57 (ii) An individual participating in a specialized
58 employment training program conducted by a nonprofit sheltered
59 workshop or rehabilitation facility; or

60 (iii) An individual employed outside of this
61 state.

62 (k) "Employer" means a person, or agent of such person,
63 who employs nine (9) or more employees in the state each of twenty
64 (20) or more calendar weeks in the current or preceding calendar
65 year.

66 (l) "Place of public resort, accommodation, assemblage
67 or amusement" means any place, store or other establishment,
68 either licensed or unlicensed, that supplies accommodations, goods
69 or services to the general public, or that solicits or accepts the



70 patronage or trade of the general public, or that is supported
71 directly or indirectly by government funds. The term does not
72 include any of the following:

73 (i) Any lodging establishment which contains five
74 (5) or less rooms for rent and which is actually occupied by the
75 proprietor of such establishment as a residence;

76 (ii) Any private club or other establishment not
77 in fact open to the public; or

78 (iii) Any house of worship.

79 (m) "Educational institution" means any public
80 educational institution, including any academy, college,
81 elementary or secondary school, extension course, charter school,
82 magnet school, kindergarten, nursery, school district, university,
83 professional school or vocational school.

84 **SECTION 3.** (1) The right of an otherwise qualified person
85 to be free from discrimination, defined as the denial of equal
86 treatment and/or protection to persons in a similar situation,
87 because of race, color, religion, national origin, immigrant
88 status, sex, sexual orientation, gender identity, disability or
89 familial status is recognized as and declared to be a civil right.
90 This right shall include, but not be limited to, all of the
91 following:

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



94 (b) The right to the full enjoyment of any of the
95 accommodations, advantages, facilities or privileges of any place
96 of public resort, accommodation, assemblage or amusement without
97 discrimination;

98 (c) The right to engage in property transactions,
99 including the right to obtain housing, without discrimination;

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

102 (e) The right to the full enjoyment of any of the
103 accommodations, advantages, facilities or privileges of any
104 educational institution without discrimination.

105 (2) Any person who is injured by an intentional act of
106 discrimination in violation of subsection (1)(b), (c), (d) or (e)
107 of this section may file a civil action in a court of competent
108 jurisdiction to enjoin further violations, to recover compensatory
109 and punitive damages, and, in the discretion of the court, to
110 recover the cost of litigation and reasonable attorney's fees.

111 (3) (a) Any individual who is injured by employment
112 discrimination by an employer in violation of subsection (1)(a) of
113 this section may file a civil action in a court of competent
114 jurisdiction, which may issue an order prohibiting the
115 discriminatory practices, provide affirmative relief from the
116 effects of the practices and award back pay, interest on back pay,
117 and, at the discretion of the court, the cost of litigation and
118 reasonable attorney's fees. No liability for back pay shall



119 accrue from a date more than two (2) years before the filing of an
120 action.

121 (b) In addition to the remedies under subsection (3)(a)
122 of this section, any individual who is injured by intentional
123 discrimination by an employer in violation of subsection (1)(a) of
124 this section shall be entitled to recover compensatory and
125 punitive damages.

126 (4) Subsection (1)(a) does not apply to the employment of an
127 individual of a particular religion by a religious corporation,
128 association or society to perform work connected with the
129 performance of religious activities by the corporation,
130 association or society.

131 (5) This act shall not be construed to limit any other
132 remedies available under law.

133 **SECTION 4.** This act shall take effect and be in force from
134 and after July 1, 2018.

