

SECOND REGULAR SESSION

# SENATE BILL NO. 785

89TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CLAY.

Read 1st time January 21, 1998, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

S3382.011

## AN ACT

To repeal sections 213.070 and 213.111, RSMo 1994, relating to unlawful discriminatory practices, and to enact in lieu thereof two new sections relating to the same subject.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 213.070 and 213.111, RSMo 1994, are repealed and two new sections enacted in lieu thereof, to be known as sections 213.070 and 213.111, to read as follows:

213.070. It shall be an unlawful discriminatory practice:

(1) To aid, abet, incite, compel, or coerce the commission of acts prohibited under this chapter or to attempt to do so;

(2) To retaliate or discriminate in any manner against any other person because such person has opposed any practice prohibited by this chapter or because such person has filed a complaint, testified, assisted, or participated in any manner in any investigation, proceeding or hearing conducted pursuant to this chapter;

(3) For the state or any political subdivision of this state to discriminate on the basis of race, color, religion, national origin, sex, ancestry, age, as it relates to employment, handicap, or familial status as it relates to housing; [or]

(4) To discriminate in any manner against any other person because of such person's association with any person protected by this chapter[.]; **or**

**(5) To coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any person in the exercise or enjoyment of, any right granted or protected by sections 213.040, 213.045 or 213.050.**

**EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

213.111. 1. If, after one hundred eighty days from the filing of a complaint alleging an unlawful discriminatory practice, **under sections 213.055, 213.065 or 213.070 to the extent that the alleged violation of 213.070 relates to or involves a violation of sections 213.055, 213.065 or relates to or involves the encouraging, aiding or abetting of such violation of such sections**, the commission has not completed its administrative processing and the person aggrieved so requests in writing, the commission shall issue to the person claiming to be aggrieved a letter indicating his **or her** right to bring a civil action within ninety days of such notice against the respondent named in the complaint. **If, after the filing of a complaint under sections 213.040, 213.045, 213.050 and 213.070, to the extent that the alleged violation of 213.070 relates to or involves a violation of sections 213.040, 213.045 and 213.050 or relates to or involves the encouraging, aiding or abetting of such violation of such sections and the person aggrieved so requests in writing, the commission shall issue to the person claiming to be aggrieved a letter indicating his or her right to bring a civil action within ninety days of such notice against the respondent named in the complaint.** Such an action may be brought in any circuit court in any county in which the unlawful discriminatory practice is alleged to have occurred, either before a circuit or associate circuit judge. Upon issuance of this notice, the commission shall terminate all proceedings relating to the complaint. No person may file or reinstate a complaint with the commission after the issuance of a notice under this section relating to the same practice or act. Any action brought in court under this section shall be filed within ninety days from the date of the commission's notification letter to the individual but no later than two years after the alleged cause occurred or its reasonable discovery by the alleged injured party.

2. The court may grant as relief, as it deems appropriate, any permanent or temporary injunction, temporary restraining order, or other order, and may award to the plaintiff actual and punitive damages, and may award court costs and reasonable attorney fees to the prevailing party, other than a state agency or commission or a local commission; except that, a prevailing respondent may be awarded court costs and reasonable attorney fees only upon a showing that the case is without foundation.

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