HOUSE BILL No. 2406

By Committee on Taxation

AN ACT concerning members of the military; relating to harassment; civil
cause of action; amending K.S.A. 44-1125, 44-1126 and 44-1127 and
repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 44-1125 is hereby amended to read as follows: 44-
1125. As used in this act K.S.A. 44-1125 through 44-1128, and
amendments thereto:

(a) "Member of the military" means a member of the armed forces or
national guard on active duty or a member of an active reserve unit in the
armed forces or national guard.

(b) "Person" and "public accommodations" have the meanings
provided by K.S.A. 44-1002, and amendments thereto.

(c) "Immediate family" means father, mother, stepparent, child,
stepchild, sibling, spouse or grandparent of the member of the military.

Sec. 2. K.S.A. 44-1126 is hereby amended to read as follows: 44-
1126. (a) No person shall:

(1) Discriminate against a member of the military because of military
status;

(2) discriminate against a member of the military with respect to
employment, or employment position or status, because of membership or
service in the military;

(3) deny employment to any member of the military, or disqualify for
or discharge from employment any member of the military, because of
membership or service in the military; or

(4) discharge from employment any member of the military because
of the member's performance of emergency military duty; or

(5) injure, intimidate, interfere or harass any member of the military
or an immediate family member of such member of the military.

(b) No officer or employee of the state or any political or taxing
subdivision of the state shall:

(1) Discriminate against a member of the military because of military
status;

(2) discriminate against a member of the military with respect to
employment or appointment, or employment position or status, because of
membership or service in the military; or
(3) deny employment to a member of the military, or disqualify for or
discharge from employment any member of the military, because of
membership or service in the military.

(c) No person shall prohibit or refuse entrance to, or otherwise
discriminate against, any member of the military in any place of public
accommodations because the member is wearing the member's military
uniform or because of the member's membership or service in the military.

Sec. 3. K.S.A. 44-1127 is hereby amended to read as follows: 44-
1127. Any person aggrieved by an alleged violation of this act K.S.A. 44-
1126, and amendments thereto, may bring a civil action in the district court
of the county in which the violation is alleged to have occurred or in which
the alleged violator resides or transacts business. If the court finds that a
violation has occurred, the court may award to the plaintiff actual
damages, or $500, whichever is greater, for each violation. The court may
also grant as relief any permanent or temporary injunction or restraining
order, including an order enjoining the defendant from engaging in such
violation or ordering such affirmative action as may be appropriate. The
prevailing party shall be awarded court costs and reasonable attorney fees.

Sec. 4. K.S.A. 44-1125, 44-1126 and 44-1127 are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its
publication in the statute book.