

HOUSE BILL No. 2406

By Committee on Taxation

4-1

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

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

6 Section 1. K.S.A. 44-1125 is hereby amended to read as follows: 44-
7 1125. As used in ~~this act~~ *K.S.A. 44-1125 through 44-1128, and*
8 *amendments thereto:*

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

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

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

16 Sec. 2. K.S.A. 44-1126 is hereby amended to read as follows: 44-
17 1126. (a) No person shall:

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

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

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

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

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

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

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

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

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

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

8 Sec. 3. K.S.A. 44-1127 is hereby amended to read as follows: 44-
9 1127. Any person aggrieved by an alleged violation of ~~this act~~ *K.S.A. 44-*
10 *1126, and amendments thereto*, may bring a civil action in the district court
11 of the county in which the violation is alleged to have occurred or in which
12 the alleged violator resides or transacts business. If the court finds that a
13 violation has occurred, the court may award to the plaintiff actual
14 damages, or \$500, whichever is greater, for each violation. The court may
15 also grant as relief any permanent or temporary injunction or restraining
16 order, including an order enjoining the defendant from engaging in such
17 violation or ordering such affirmative action as may be appropriate. The
18 prevailing party shall be awarded court costs and reasonable attorney fees.

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

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