

By: Villarreal

H.B. No. 1136

A BILL TO BE ENTITLED

AN ACT

relating to the prohibition of certain discrimination based on sexual orientation; providing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1. GENERAL PROVISIONS

SECTION 1.01. GENERAL DEFINITIONS. In this Act:

(1) "Aggrieved person" includes any person who:

(A) claims to have been injured by a discriminatory practice; or

(B) believes that he or she will be injured by a discriminatory practice that is about to occur.

(2) "Complainant" means a person, including the commission, who files a complaint under Section 6.01 of this Act.

(3) "Commission" means the Commission on Human Rights.

(4) "Conciliation" means the attempted resolution of issues raised by a complaint or by the investigation of a complaint, through informal negotiations involving the aggrieved person, the respondent, and the commission.

(5) "Conciliation agreement" means an agreement setting forth the resolution of the issues in conciliation.

(6) "Discriminatory practice" means an act prohibited by Article 3, 4, or 5 of this Act.

(7) "Dwelling" means:

(A) any building, structure, or part of a

1 building or structure that is occupied as, or designed or intended
2 for occupancy as, a residency by one or more families; or

3 (B) any vacant land that is offered for sale or
4 lease for the construction or location of a building, structure, or
5 part of a building or structure described by Paragraph (A) of this
6 subdivision.

7 (8) "Employer" means a person that employs 15 or more
8 employees. The term includes an agent designated by an employer.

9 (9) "Labor organization" means a labor organization
10 engaged in an industry affecting commerce that has 15 or more
11 members. The term includes:

12 (A) an organization, an agency, or an employee
13 representation committee, group, association, or plan engaged in an
14 industry affecting commerce in which employees participate and that
15 exists for the purpose, in whole or in part, of dealing with
16 employers concerning grievances, labor disputes, wages, rates of
17 pay, hours, or other terms or conditions of employment;

18 (B) a conference, general committee, joint or
19 system board, or joint council that is subordinate to a national or
20 international labor organization; and

21 (C) an agent of a labor organization.

22 (10) "Person" means an individual, corporation,
23 association, partnership, organization, or other public or private
24 legal entity.

25 (11) "Respondent" means the person accused in a
26 complaint of a discriminatory practice.

27 (12) "Sexual orientation" means:

1 (A) having a preference for heterosexuality,
2 homosexuality, or bisexuality;

3 (B) having a history of such a preference; or

4 (C) being identified as having such a preference.

5 ARTICLE 2. ADMINISTRATIVE PROVISIONS

6 SECTION 2.01. ADMINISTRATION BY COMMISSION. The
7 Commission on Human Rights shall administer this Act.

8 SECTION 2.02. RULES. The commission shall adopt rules as
9 necessary to administer and enforce this Act.

10 SECTION 2.03. COMPLAINTS. As provided by Article 6 of this
11 Act, the commission shall receive, investigate, seek to conciliate,
12 and act on complaints alleging violations of this Act.

13 SECTION 2.04. CERTAIN CONSTRUCTIONS OF ACT PROHIBITED. (a)
14 This Act may not be construed to mean that this state condones
15 homosexuality, bisexuality, or any equivalent lifestyle.

16 (b) This Act may not be construed to bar any religious or
17 denominational institution or organization, or any organization
18 operated for charitable or educational purposes that is operated,
19 supervised, or controlled by or in connection with a religious
20 organization and that limits membership, enrollment, admission, or
21 participation to members of that religion, from:

22 (1) giving preference in hiring or employment to
23 members of the same religion; or

24 (2) taking any action with respect to matters of
25 employment, discipline, faith, internal organization, or
26 ecclesiastical rule, custom, or law that is calculated by the
27 organization to promote the religious principles for which it is

1 established or maintained.

2 (c) This Act may not be construed to authorize or permit the
3 use of numerical goals or quotas, or other types of affirmative
4 action programs, in the administration or enforcement of this Act.

5 ARTICLE 3. EMPLOYMENT DISCRIMINATION PROHIBITED

6 SECTION 3.01. EMPLOYER. An employer commits a
7 discriminatory practice and a violation of this Act if the
8 employer, because of the sexual orientation of an individual:

- 9 (1) refuses to hire or employ the individual;
10 (2) bars or discharges the individual from employment;
11 or
12 (3) otherwise discriminates against the individual in
13 compensation or other terms, conditions, or privileges of
14 employment.

15 SECTION 3.02. EMPLOYMENT AGENCY. An employment agency
16 commits a discriminatory practice and a violation of this Act if the
17 employment agency, because of the sexual orientation of an
18 applicant for employment through the agency:

- 19 (1) fails or refuses to classify the applicant
20 properly;
21 (2) fails or refuses to refer the applicant for
22 positions of employment; or
23 (3) otherwise discriminates against the applicant.

24 SECTION 3.03. LABOR ORGANIZATION. A labor organization
25 commits a discriminatory practice and a violation of this Act if the
26 labor organization, because of the sexual orientation of an
27 individual:

- 1 (1) excludes the individual from full membership
- 2 rights;
- 3 (2) expels the individual from its membership; or
- 4 (3) otherwise discriminates against:
 - 5 (A) a member of the organization;
 - 6 (B) an employer; or
 - 7 (C) an individual employed by an employer.

8 SECTION 3.04. EMPLOYMENT ADVERTISEMENTS. A person commits
9 a discriminatory practice and a violation of this Act if the person
10 advertises employment opportunities in a manner designed to
11 restrict the employment in a manner that discriminates against an
12 individual solely because of the sexual orientation of that
13 individual.

14 ARTICLE 4. DISCRIMINATION IN PUBLIC ACCOMMODATIONS PROHIBITED

15 SECTION 4.01. PUBLIC ACCOMMODATIONS. A person commits a
16 discriminatory practice and a violation of this Act if the person,
17 because of the sexual orientation of an individual:

- 18 (1) denies that individual full and equal
19 accommodations in any place of public accommodation in this state,
20 subject only to the conditions and limitations established by law
21 and applicable to all persons; or
- 22 (2) otherwise discriminates, segregates, or separates
23 based on sexual orientation.

24 ARTICLE 5. HOUSING DISCRIMINATION PROHIBITED

25 SECTION 5.01. REFUSAL TO SELL OR RENT. A person commits a
26 discriminatory practice and a violation of this Act if the person,
27 because of the sexual orientation of an individual:

1 (1) refuses to sell or rent a dwelling to the
2 individual after the making of a bona fide offer by the individual;

3 (2) refuses to negotiate for the sale or rental of a
4 dwelling to the individual;

5 (3) refuses to make available or otherwise denies a
6 dwelling to the individual; or

7 (4) discriminates against the individual in the terms,
8 conditions, or privileges of the sale or rental of a dwelling, or
9 the provision of services or facilities in connection with such a
10 sale or rental.

11 SECTION 5.02. REAL ESTATE RELATED TRANSACTIONS. A person
12 who engages in real estate related transactions commits a
13 discriminatory practice and a violation of this Act if, because of
14 the sexual orientation of an individual, the person discriminates
15 against the individual in making available such a transaction.

16 SECTION 5.03. REAL ESTATE SERVICES AND ORGANIZATION. A
17 person who engages in real estate related transactions commits a
18 discriminatory practice and a violation of this Act if, because of
19 the sexual orientation of an individual, the person:

20 (1) denies the individual access to or membership or
21 participation in any multiple-listing service, real estate brokers
22 organization, or other service, organization, or facility relating
23 to the business of selling or renting dwellings; or

24 (2) discriminates against the individual in the terms
25 or conditions of the access, membership, or participation described
26 by Subdivision (1) of this section.

27 SECTION 5.04. COERCION. A person commits a discriminatory

1 practice and a violation of this Act if:

2 (1) because of the sexual orientation of an
3 individual, the person coerces, intimidates, threatens, or
4 interferes with the individual in the exercise or enjoyment of a
5 right granted or protected by this article; or

6 (2) the person coerces, intimidates, threatens, or
7 interferes with an individual because the individual has exercised
8 or enjoyed, or aided or encouraged any other person in the exercise
9 or enjoyment of, a right granted or protected by this article.

10 SECTION 5.05. PUBLICATIONS. A person commits a
11 discriminatory practice and a violation of this Act if the person
12 makes, prints, or publishes, or causes to be made, printed, or
13 published, any notice, statement, or advertisement with respect to
14 the sale or rental of a dwelling that indicates any preference,
15 limitation, or discrimination based on sexual orientation, or an
16 intention to make such a preference, limitation, or discrimination.

17 SECTION 5.06. STEERING PROHIBITED. (a) In this section,
18 "area" means a municipality, neighborhood, or other geographic
19 subdivision, including an apartment or condominium complex.

20 (b) A person commits a discriminatory practice and a
21 violation of this Act if the person, because of the sexual
22 orientation of an individual, represents to the individual that a
23 dwelling is not available for inspection, sale, or rental if the
24 dwelling is in fact available.

25 (c) A person violates this section if the person restricts
26 or attempts to restrict the choices of any buyer or renter to
27 purchase or rent a dwelling to an area that is substantially

1 populated, even if by less than a majority, by persons of the same
2 sexual orientation as the buyer or renter while that person is
3 authorized to offer for sale or rent another dwelling that:

4 (1) meets the housing criteria of the buyer or renter
5 as expressed by the buyer or renter to that person; and

6 (2) is located in an area that is not substantially
7 populated by persons of the same sexual orientation as the buyer or
8 renter.

9 SECTION 5.07. ENTRY INTO NEIGHBORHOOD. A person commits a
10 discriminatory practice and a violation of this Act if the person,
11 for profit, induces or attempts to induce any person to sell or rent
12 a dwelling by representations regarding the entry or prospective
13 entry into the neighborhood in which the dwelling is located of an
14 individual of a particular sexual orientation.

15 SECTION 5.08. EXEMPTIONS. (a) This article does not apply
16 to:

17 (1) the rental of a room or rooms in a dwelling if the
18 owner actually maintains and occupies part of the living quarters
19 of the dwelling as the owner's residence; or

20 (2) a unit in a dwelling containing living quarters
21 occupied or intended to be occupied by not more than four families
22 living independently of each other, if the owner actually maintains
23 and occupies one of the units as the owner's residence.

24 (b) This article does not limit or affect the applicability
25 of any reasonable state statute or municipal ordinance that
26 restricts the maximum number of persons permitted to occupy a
27 dwelling.

1 (c) This article does not prohibit a person engaged in the
2 business of furnishing appraisals of real property from considering
3 factors other than sexual orientation in making the appraisal.

4 ARTICLE 6. ADMINISTRATIVE ENFORCEMENT

5 SECTION 6.01. COMPLAINT. (a) An aggrieved person may,
6 not later than one year after an alleged discriminatory practice
7 has occurred or terminated, whichever is later, file a complaint
8 with the commission alleging the discriminatory practice.

9 (b) The commission shall investigate alleged discriminatory
10 practices.

11 (c) Not later than one year after an alleged discriminatory
12 practice has occurred or terminated, whichever is later, the
13 commission may file its own complaint.

14 (d) A complaint must be:

15 (1) in writing;

16 (2) under oath; and

17 (3) in the form prescribed by the commission.

18 (e) A complaint may be amended at any time.

19 (f) On the filing of a complaint the commission shall:

20 (1) give the aggrieved person notice that the
21 complaint has been received;

22 (2) advise the aggrieved person of the time limits and
23 choice of forums under this Act; and

24 (3) not later than the 10th day after the filing of the
25 complaint, serve on each respondent:

26 (A) a notice identifying the alleged
27 discriminatory practice and advising the respondent of the

1 procedural rights and obligations of a respondent under this Act;
2 and

3 (B) a copy of the original complaint.

4 SECTION 6.02. ANSWER. (a) Not later than the 10th day
5 after receipt of the notice and copy under Section 6.01(f)(3) of
6 this Act, a respondent may file an answer to the complaint.

7 (b) An answer must be:

8 (1) in writing;

9 (2) under oath; and

10 (3) in the form prescribed by the commission.

11 (c) An answer may be amended at any time.

12 SECTION 6.03. INVESTIGATION. (a) The commission shall
13 investigate all complaints and, except as provided by Subsection
14 (b) of this section, shall complete an investigation not later than
15 the 100th day after the date the complaint is filed.

16 (b) If the commission is unable to complete an investigation
17 within the period prescribed by Subsection (a) of this section, the
18 commission shall notify the complainant and the respondent in
19 writing of the reasons for the delay.

20 SECTION 6.04. CONCILIATION. (a) The commission shall,
21 during the period beginning with the filing of a complaint and
22 ending with the filing of a charge or a dismissal by the commission,
23 to the extent feasible, engage in conciliation with respect to the
24 complaint.

25 (b) A conciliation agreement is subject to commission
26 approval. A conciliation agreement must be written.

27 (c) A conciliation agreement may provide for binding

1 arbitration of the dispute. Arbitration that results from a
2 conciliation agreement may authorize appropriate relief, including
3 monetary relief.

4 (d) A conciliation agreement shall be made public unless the
5 complainant, respondent, and commission agree that disclosure is
6 not necessary to further the purposes of this Act.

7 (e) Nothing said or done in the course of conciliation may
8 be made public or used as evidence in a subsequent proceeding under
9 this Act without the written consent of the persons concerned.

10 (f) After completion of the commission's investigation, the
11 commission shall make available to the aggrieved person and the
12 respondent, at any time, information derived from the investigation
13 and the final investigation report relating to that investigation.

14 SECTION 6.05. TEMPORARY OR PRELIMINARY RELIEF. (a) If
15 the commission concludes at any time following the filing of a
16 complaint that prompt judicial action is necessary to carry out the
17 purposes of this Act, the commission may authorize a civil action
18 for appropriate temporary or preliminary relief pending final
19 disposition of the complaint.

20 (b) On receipt of the commission's authorization, the
21 attorney general shall promptly file the action.

22 (c) A temporary restraining order or other order granting
23 preliminary or temporary relief under this section is governed by
24 the applicable Texas Rules of Civil Procedure.

25 (d) The filing of a civil action under this section does not
26 affect the initiation or continuation of an administrative
27 proceeding under Section 6.14 of this Act.

1 SECTION 6.06. INVESTIGATIVE REPORT. (a) The commission
2 shall prepare a final investigative report showing:

3 (1) the names and dates of contacts with witnesses;

4 (2) a summary of correspondence and other contacts
5 with the aggrieved person and the respondent showing the dates of
6 the correspondence and contacts;

7 (3) a summary description of other pertinent records;

8 (4) a summary of witness statements; and

9 (5) answers to interrogatories.

10 (b) A final report under this section may be amended if
11 additional evidence is discovered.

12 SECTION 6.07. REASONABLE CAUSE DETERMINATION. (a) The
13 commission shall determine based on the facts whether reasonable
14 cause exists to believe that a discriminatory practice has occurred
15 or is about to occur.

16 (b) The commission shall make the determination under
17 Subsection (a) of this section not later than the 100th day after
18 the date a complaint is filed unless:

19 (1) it is impracticable to make the determination; or

20 (2) the commission has approved a conciliation
21 agreement relating to the complaint.

22 (c) If it is impracticable to make the determination within
23 the time period provided by Subsection (b) of this section, the
24 commission shall notify the complainant and respondent in writing
25 of the reasons for the delay.

26 (d) If the commission determines that reasonable cause
27 exists to believe that a discriminatory practice has occurred or is

1 about to occur, the commission shall immediately issue a charge on
2 behalf of the aggrieved person.

3 SECTION 6.08. CHARGE. (a) A charge issued under Section
4 6.07 of this Act:

5 (1) must consist of a short and plain statement of the
6 facts on which the commission has found reasonable cause to believe
7 that a discriminatory practice has occurred or is about to occur;

8 (2) must be based on the final investigative report;
9 and

10 (3) need not be limited to the facts or grounds alleged
11 in the complaint.

12 (b) Not later than the 20th day after the commission issues
13 a charge, the commission shall send a copy of a charge with
14 information concerning the election under Section 6.12 of this Act
15 to:

16 (1) each respondent, together with a notice of the
17 opportunity for a hearing provided by Section 6.14 of this Act; and

18 (2) each aggrieved person on whose behalf the
19 complaint was filed.

20 SECTION 6.09. DISMISSAL. (a) If the commission
21 determines that reasonable cause does not exist to believe that a
22 discriminatory practice has occurred or is about to occur, the
23 commission shall promptly dismiss the complaint.

24 (b) The commission shall make public disclosure of each
25 dismissal under this section.

26 SECTION 6.10. PENDING CIVIL TRIAL. The commission may not
27 issue a charge under this section regarding an alleged

1 discriminatory practice after the beginning of the trial of a civil
2 action commenced by the aggrieved party under federal or state law
3 seeking relief with respect to that discriminatory practice.

4 SECTION 6.11. SUBPOENAS; DISCOVERY. (a) The commission
5 may issue subpoenas and order discovery as provided by this section
6 in aid of investigations and hearings under this Act.

7 (b) The subpoenas and discovery may be ordered to the same
8 extent and are subject to the same limitations as subpoenas and
9 discovery in a civil action in district court.

10 SECTION 6.12. ELECTION OF JUDICIAL DETERMINATION. (a) A
11 complainant, a respondent, or an aggrieved person on whose behalf
12 the complaint was filed may elect to have the claims asserted in
13 that charge decided in a civil action as provided by Section 6.13 of
14 this Act.

15 (b) The election must be made not later than the 20th day
16 after the date of receipt by the electing person of service under
17 Section 6.08(b) of this Act or, in the case of the commission, not
18 later than the 20th day after the date the charge was issued.

19 (c) The person making the election shall give notice to the
20 commission and to all other complainants and respondents to whom
21 the charge relates.

22 SECTION 6.13. ATTORNEY GENERAL ACTION FOR ENFORCEMENT. (a)
23 If a timely election is made under Section 6.12 of this Act, the
24 commission shall authorize and, not later than the 30th day after
25 the election is made, the attorney general shall file a civil action
26 on behalf of the aggrieved person in a district court seeking relief
27 under this section.

1 (b) Venue for an action under this section is in the county
2 in which the alleged discriminatory practice occurred or in Travis
3 County.

4 (c) An aggrieved person may intervene in the action.

5 (d) If the court finds that a discriminatory practice has
6 occurred or is about to occur, the court may grant as relief any
7 relief that a court may grant in a civil action under Article 7 of
8 this Act.

9 (e) If monetary relief is sought for the benefit of an
10 aggrieved person who does not intervene in the civil action, the
11 court may not award the monetary relief if that aggrieved person has
12 not complied with discovery orders entered by the court.

13 SECTION 6.14. ADMINISTRATIVE HEARING. (a) If a timely
14 election is not made under Section 6.12 of this Act, the commission
15 shall provide for a hearing on the charge.

16 (b) Except as provided by Subsection (c) of this section,
17 Chapter 2001, Government Code, governs a hearing under this
18 section.

19 (c) A hearing under this section may not continue regarding
20 any alleged discriminatory practice after the beginning of the
21 trial of a civil action commenced by the aggrieved party under
22 federal or state law seeking relief with respect to that
23 discriminatory practice.

24 SECTION 6.15. RELIEF; CIVIL PENALTIES. (a) If the
25 commission determines at a hearing under Section 6.14 of this Act
26 that a respondent has engaged in or is about to engage in a
27 discriminatory practice, the commission may order the appropriate

1 relief, including actual damages, reasonable attorney's fees,
2 court costs, and other injunctive or equitable relief.

3 (b) To vindicate the public interest, the commission may
4 assess a civil penalty against the respondent in an amount that does
5 not exceed:

6 (1) \$10,000 if the respondent has been adjudged by
7 order of the commission or a court to have committed a prior
8 discriminatory practice;

9 (2) except as provided by Subsection (c) of this
10 section, \$25,000 if the respondent has been adjudged by order of the
11 commission or a court to have committed one other discriminatory
12 practice during the five-year period ending on the date of the
13 filing of the charge; and

14 (3) except as provided by Subsection (c) of this
15 section, \$50,000 if the respondent has been adjudged by order of the
16 commission or a court to have committed two or more discriminatory
17 practices during the seven-year period ending on the date of the
18 filing of the charge.

19 (c) If the acts constituting the discriminatory practice
20 that is the object of the charge are committed by the same
21 individual who has been previously adjudged to have committed acts
22 constituting a discriminatory practice, the civil penalties in
23 Subsections (b)(2) and (3) of this section may be imposed without
24 regard to the period within which any other discriminatory practice
25 occurred.

26 (d) At the request of the commission, the attorney general
27 shall sue to recover a civil penalty due under this section. Funds

1 collected under this section shall be paid to the state treasurer
2 for deposit in the state treasury.

3 SECTION 6.16. EFFECT OF COMMISSION ORDER. A commission
4 order under Section 6.15 of this Act does not affect a contract,
5 sale, encumbrance, or lease that:

6 (1) was consummated before the commission issued the
7 order; and

8 (2) involved a bona fide purchaser, encumbrancer, or
9 tenant who did not have actual notice of the charge filed under this
10 Act.

11 SECTION 6.17. ORDER IN PRECEDING FIVE YEARS. If the
12 commission issues an order against a respondent against whom
13 another order was issued within the preceding five years under
14 Section 6.15 of this Act, the commission shall send a copy of each
15 order issued under that section to the attorney general.

16 ARTICLE 7. ENFORCEMENT BY PRIVATE PERSONS

17 SECTION 7.01. CIVIL ACTION. (a) An aggrieved person may
18 file a civil action in district court not later than the second year
19 after the occurrence of the termination of an alleged
20 discriminatory practice, or the breach of a conciliation agreement
21 entered into under this Act, whichever occurs last, to obtain
22 appropriate relief with respect to the discriminatory practice or
23 breach.

24 (b) The two-year period does not include any time during
25 which an administrative hearing under this Act is pending with
26 respect to a complaint or charge under this Act based on the
27 discriminatory practice. This subsection does not apply to actions

1 arising from a breach of a conciliation agreement.

2 (c) An aggrieved person may file an action under this
3 section whether or not a complaint has been filed under Section 6.01
4 of this Act and without regard to the status of any complaint filed
5 under that section.

6 (d) If the commission has obtained a conciliation agreement
7 with the consent of an aggrieved person, the aggrieved person may
8 not file an action under this section with respect to the alleged
9 discriminatory practice that forms the basis for the complaint
10 except to enforce the terms of the agreement.

11 (e) An aggrieved person may not file an action under this
12 section with respect to an alleged discriminatory practice that
13 forms the basis of a charge issued by the commission if the
14 commission has begun a hearing on the record under this Act with
15 respect to the charge.

16 SECTION 7.02. RELIEF GRANTED. In an action under this
17 article, if the court finds that a discriminatory practice has
18 occurred or is about to occur, the court may award to the plaintiff:

19 (1) actual and punitive damages;

20 (2) reasonable attorney's fees;

21 (3) court costs; and

22 (4) subject to Section 7.03 of this Act, any permanent
23 or temporary injunction, temporary restraining order, or other
24 order, including an order enjoining the defendant from engaging in
25 the practice or ordering other appropriate action.

26 SECTION 7.03. EFFECT OF RELIEF GRANTED. Relief granted
27 under this article does not affect a contract, sale, encumbrance,

1 or lease that:

2 (1) was consummated before the granting of the relief;
3 and

4 (2) involved a bona fide purchaser, encumbrancer, or
5 tenant who did not have actual notice of the filing of a complaint
6 under this Act or a civil action under this article.

7 SECTION 7.04. INTERVENTION BY ATTORNEY GENERAL. (a) The
8 attorney general may intervene in an action under this article if
9 the attorney general certifies that the case is of general public
10 importance.

11 (b) The attorney general may obtain the same relief
12 available to the attorney general under Section 8.01(b) of this
13 Act.

14 ARTICLE 8. ENFORCEMENT BY ATTORNEY GENERAL

15 SECTION 8.01. PATTERN OR PRACTICE CASES. (a) The attorney
16 general may file a civil action in district court for appropriate
17 relief if the attorney general has reasonable cause to believe
18 that:

19 (1) a person is engaged in a pattern or practice of
20 resistance to the full enjoyment of any right granted by this Act;
21 or

22 (2) a person has been denied any right granted by this
23 Act and that denial raises an issue of general public importance.

24 (b) In an action under this section the court may:

25 (1) award preventive relief, including a permanent or
26 temporary injunction, restraining order, or other order against the
27 person responsible for a violation of this Act as necessary to

1 assure the full enjoyment of the rights granted by this Act;

2 (2) award other appropriate relief, including
3 monetary damages, reasonable attorney's fees, and court costs; and

4 (3) to vindicate the public interest, assess a civil
5 penalty against the respondent in an amount that does not exceed:

6 (A) \$50,000 for a first violation; and

7 (B) \$100,000 for a second or subsequent
8 violation.

9 (c) A person may intervene in an action under this section
10 if the person is:

11 (1) an aggrieved person to the discriminatory
12 practice; or

13 (2) a party to a conciliation agreement concerning the
14 discriminatory practice.

15 SECTION 8.02. SUBPOENA ENFORCEMENT. The attorney general,
16 on behalf of the commission or other party at whose request a
17 subpoena is issued under this Act, may enforce the subpoena in
18 appropriate proceedings in district court.

19 ARTICLE 9. CRIMINAL PENALTY

20 SECTION 9.01. CRIMINAL PENALTY. (a) A person commits an
21 offense if the person intentionally violates Article 3, 4, or 5 of
22 this Act.

23 (b) An offense under this section is a Class B misdemeanor.

24 ARTICLE 10. EFFECTIVE DATE

25 SECTION 10.01. EFFECTIVE DATE. This Act takes effect
26 September 1, 2003.