

By: Villarreal

H.B. No. 1515

A BILL TO BE ENTITLED

AN ACT

relating to the prohibition of certain discrimination based on sexual orientation or gender identity or expression; 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 division, who files a complaint under Section 6.01 of this Act.

(3) "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 division.

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

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

(6) "Division" means the civil rights division of the Texas Workforce Commission.

1 (7) "Dwelling" means:

2 (A) any building, structure, or part of a
3 building or structure that is occupied as, or designed or intended
4 for occupancy as, a residency by one or more families; or

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

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

11 (9) "Gender identity or expression" means having or
12 being perceived as having gender-related identity, appearance,
13 expression, or behavior, whether or not that identity, appearance,
14 expression, or behavior is different from that stereotypically
15 associated with the person's actual or perceived sex.

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

19 (A) an organization, an agency, or an employee
20 representation committee, group, association, or plan engaged in an
21 industry affecting commerce in which employees participate and that
22 exists for the purpose, in whole or in part, of dealing with
23 employers concerning grievances, labor disputes, wages, rates of
24 pay, hours, or other terms or conditions of employment;

25 (B) a conference, general committee, joint or
26 system board, or joint council that is subordinate to a national or
27 international labor organization; and

1 (C) an agent of a labor organization.

2 (11) "Person" means an individual, corporation,
3 association, partnership, organization, or other public or private
4 legal entity.

5 (12) "Respondent" means the person accused in a
6 complaint of a discriminatory practice.

7 (13) "Sexual orientation" means:

8 (A) having a preference for heterosexuality,
9 homosexuality, or bisexuality;

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

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

12 ARTICLE 2. ADMINISTRATIVE PROVISIONS

13 SECTION 2.01. ADMINISTRATION BY DIVISION. The civil
14 rights division of the Texas Workforce Commission shall administer
15 this Act.

16 SECTION 2.02. RULES. The division shall adopt rules as
17 necessary to administer and enforce this Act.

18 SECTION 2.03. COMPLAINTS. As provided by Article 6 of this
19 Act, the division shall receive, investigate, seek to conciliate,
20 and act on complaints alleging violations of this Act.

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

24 (b) This Act may not be construed to bar any religious or
25 denominational institution or organization, or any organization
26 operated for charitable or educational purposes that is operated,
27 supervised, or controlled by or in connection with a religious

1 organization and that limits membership, enrollment, admission, or
2 participation to members of that religion, from:

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

5 (2) taking any action with respect to matters of
6 employment, discipline, faith, internal organization, or
7 ecclesiastical rule, custom, or law that is calculated by the
8 organization to promote the religious principles for which it is
9 established or maintained.

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

13 ARTICLE 3. EMPLOYMENT DISCRIMINATION PROHIBITED

14 SECTION 3.01. EMPLOYER. An employer commits a
15 discriminatory practice and a violation of this Act if the
16 employer, because of the sexual orientation or gender identity or
17 expression of an individual:

18 (1) refuses to hire or employ the individual;
19 (2) bars or discharges the individual from employment;

20 or

21 (3) otherwise discriminates against the individual in
22 compensation or other terms, conditions, or privileges of
23 employment.

24 SECTION 3.02. EMPLOYMENT AGENCY. An employment agency
25 commits a discriminatory practice and a violation of this Act if the
26 employment agency, because of the sexual orientation or gender
27 identity or expression of an applicant for employment through the

1 agency:

2 (1) fails or refuses to classify the applicant
3 properly;

4 (2) fails or refuses to refer the applicant for
5 positions of employment; or

6 (3) otherwise discriminates against the applicant.

7 SECTION 3.03. LABOR ORGANIZATION. A labor organization
8 commits a discriminatory practice and a violation of this Act if the
9 labor organization, because of the sexual orientation or gender
10 identity or expression of an individual:

11 (1) excludes the individual from full membership
12 rights;

13 (2) expels the individual from its membership; or

14 (3) otherwise discriminates against:

15 (A) a member of the organization;

16 (B) an employer; or

17 (C) an individual employed by an employer.

18 SECTION 3.04. EMPLOYMENT ADVERTISEMENTS. A person commits
19 a discriminatory practice and a violation of this Act if the person
20 advertises employment opportunities in a manner designed to
21 restrict the employment in a manner that discriminates against an
22 individual solely because of the sexual orientation or gender
23 identity or expression of that individual.

24 ARTICLE 4. DISCRIMINATION IN PUBLIC ACCOMMODATIONS PROHIBITED

25 SECTION 4.01. PUBLIC ACCOMMODATIONS. A person commits a
26 discriminatory practice and a violation of this Act if the person,
27 because of the sexual orientation or gender identity or expression

1 of an individual:

2 (1) denies that individual full and equal
3 accommodations in any place of public accommodation in this state,
4 subject only to the conditions and limitations established by law
5 and applicable to all persons; or

6 (2) otherwise discriminates, segregates, or separates
7 based on sexual orientation or gender identity or expression.

8 ARTICLE 5. HOUSING DISCRIMINATION PROHIBITED

9 SECTION 5.01. REFUSAL TO SELL OR RENT. A person commits a
10 discriminatory practice and a violation of this Act if the person,
11 because of the sexual orientation or gender identity or expression
12 of an individual:

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

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

17 (3) refuses to make available or otherwise denies a
18 dwelling to the individual; or

19 (4) discriminates against the individual in the terms,
20 conditions, or privileges of the sale or rental of a dwelling, or
21 the provision of services or facilities in connection with such a
22 sale or rental.

23 SECTION 5.02. REAL ESTATE RELATED TRANSACTIONS. A person
24 who engages in real estate related transactions commits a
25 discriminatory practice and a violation of this Act if, because of
26 the sexual orientation or gender identity or expression of an
27 individual, the person discriminates against the individual in

1 making available such a transaction.

2 SECTION 5.03. REAL ESTATE SERVICES AND ORGANIZATION. A
3 person who engages in real estate related transactions commits a
4 discriminatory practice and a violation of this Act if, because of
5 the sexual orientation or gender identity or expression of an
6 individual, the person:

7 (1) denies the individual access to or membership or
8 participation in any multiple-listing service, real estate brokers
9 organization, or other service, organization, or facility relating
10 to the business of selling or renting dwellings; or

11 (2) discriminates against the individual in the terms
12 or conditions of the access, membership, or participation described
13 by Subdivision (1) of this section.

14 SECTION 5.04. COERCION. A person commits a discriminatory
15 practice and a violation of this Act if:

16 (1) because of the sexual orientation or gender
17 identity or expression of an individual, the person coerces,
18 intimidates, threatens, or interferes with the individual in the
19 exercise or enjoyment of a right granted or protected by this
20 article; or

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

25 SECTION 5.05. PUBLICATIONS. A person commits a
26 discriminatory practice and a violation of this Act if the person
27 makes, prints, or publishes, or causes to be made, printed, or

1 published, any notice, statement, or advertisement with respect to
2 the sale or rental of a dwelling that indicates any preference,
3 limitation, or discrimination based on sexual orientation or gender
4 identity or expression, or an intention to make such a preference,
5 limitation, or discrimination.

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

9 (b) A person commits a discriminatory practice and a
10 violation of this Act if the person, because of the sexual
11 orientation or gender identity or expression of an individual,
12 represents to the individual that a dwelling is not available for
13 inspection, sale, or rental if the dwelling is in fact available.

14 (c) A person violates this section if the person restricts
15 or attempts to restrict the choices of any buyer or renter to
16 purchase or rent a dwelling to an area that is substantially
17 populated, even if by less than a majority, by persons of the same
18 sexual orientation or gender identity or expression as the buyer or
19 renter while that person is authorized to offer for sale or rent
20 another dwelling that:

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

23 (2) is located in an area that is not substantially
24 populated by persons of the same sexual orientation or gender
25 identity or expression as the buyer or renter.

26 SECTION 5.07. ENTRY INTO NEIGHBORHOOD. A person commits a
27 discriminatory practice and a violation of this Act if the person,

1 for profit, induces or attempts to induce any person to sell or rent
2 a dwelling by representations regarding the entry or prospective
3 entry into the neighborhood in which the dwelling is located of an
4 individual of a particular sexual orientation or gender identity or
5 expression.

6 SECTION 5.08. EXEMPTIONS. (a) This article does not apply
7 to:

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

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

15 (b) This article does not limit or affect the applicability
16 of any reasonable state statute or municipal ordinance that
17 restricts the maximum number of persons permitted to occupy a
18 dwelling.

19 (c) This article does not prohibit a person engaged in the
20 business of furnishing appraisals of real property from considering
21 factors other than sexual orientation or gender identity or
22 expression in making the appraisal.

23 ARTICLE 6. ADMINISTRATIVE ENFORCEMENT

24 SECTION 6.01. COMPLAINT. (a) An aggrieved person may,
25 not later than one year after an alleged discriminatory practice
26 has occurred or terminated, whichever is later, file a complaint
27 with the division alleging the discriminatory practice.

1 (b) The division shall investigate alleged discriminatory
2 practices.

3 (c) Not later than one year after an alleged discriminatory
4 practice has occurred or terminated, whichever is later, the
5 division may file its own complaint.

6 (d) A complaint must be:

7 (1) in writing;

8 (2) under oath; and

9 (3) in the form prescribed by the division.

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

11 (f) On the filing of a complaint the division shall:

12 (1) give the aggrieved person notice that the
13 complaint has been received;

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

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

18 (A) a notice identifying the alleged
19 discriminatory practice and advising the respondent of the
20 procedural rights and obligations of a respondent under this Act;
21 and

22 (B) a copy of the original complaint.

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

26 (b) An answer must be:

27 (1) in writing;

1 (2) under oath; and

2 (3) in the form prescribed by the division.

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

4 SECTION 6.03. INVESTIGATION. (a) The division shall
5 investigate all complaints and, except as provided by Subsection
6 (b) of this section, shall complete an investigation not later than
7 the 100th day after the date the complaint is filed.

8 (b) If the division is unable to complete an investigation
9 within the period prescribed by Subsection (a) of this section, the
10 division shall notify the complainant and the respondent in writing
11 of the reasons for the delay.

12 SECTION 6.04. CONCILIATION. (a) The division shall,
13 during the period beginning with the filing of a complaint and
14 ending with the filing of a charge or a dismissal by the division,
15 to the extent feasible, engage in conciliation with respect to the
16 complaint.

17 (b) A conciliation agreement is subject to division
18 approval. A conciliation agreement must be written.

19 (c) A conciliation agreement may provide for binding
20 arbitration of the dispute. Arbitration that results from a
21 conciliation agreement may authorize appropriate relief, including
22 monetary relief.

23 (d) A conciliation agreement shall be made public unless the
24 complainant, respondent, and division agree that disclosure is not
25 necessary to further the purposes of this Act.

26 (e) Nothing said or done in the course of conciliation may
27 be made public or used as evidence in a subsequent proceeding under

1 this Act without the written consent of the persons concerned.

2 (f) After completion of the division's investigation, the
3 division shall make available to the aggrieved person and the
4 respondent, at any time, information derived from the investigation
5 and the final investigation report relating to that investigation.

6 SECTION 6.05. TEMPORARY OR PRELIMINARY RELIEF. (a) If the
7 division concludes at any time following the filing of a complaint
8 that prompt judicial action is necessary to carry out the purposes
9 of this Act, the division may authorize a civil action for
10 appropriate temporary or preliminary relief pending final
11 disposition of the complaint.

12 (b) On receipt of the division's authorization, the
13 attorney general shall promptly file the action.

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

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

20 SECTION 6.06. INVESTIGATIVE REPORT. (a) The division
21 shall prepare a final investigative report showing:

- 22 (1) the names and dates of contacts with witnesses;
23 (2) a summary of correspondence and other contacts
24 with the aggrieved person and the respondent showing the dates of
25 the correspondence and contacts;
26 (3) a summary description of other pertinent records;
27 (4) a summary of witness statements; and

1 (5) answers to interrogatories.

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

4 SECTION 6.07. REASONABLE CAUSE DETERMINATION. (a) The
5 division shall determine based on the facts whether reasonable
6 cause exists to believe that a discriminatory practice has occurred
7 or is about to occur.

8 (b) The division shall make the determination under
9 Subsection (a) of this section not later than the 100th day after
10 the date a complaint is filed unless:

- 11 (1) it is impracticable to make the determination; or
12 (2) the division has approved a conciliation agreement
13 relating to the complaint.

14 (c) If it is impracticable to make the determination within
15 the time period provided by Subsection (b) of this section, the
16 division shall notify the complainant and respondent in writing of
17 the reasons for the delay.

18 (d) If the division determines that reasonable cause exists
19 to believe that a discriminatory practice has occurred or is about
20 to occur, the division shall immediately issue a charge on behalf of
21 the aggrieved person.

22 SECTION 6.08. CHARGE. (a) A charge issued under Section
23 6.07 of this Act:

24 (1) must consist of a short and plain statement of the
25 facts on which the division has found reasonable cause to believe
26 that a discriminatory practice has occurred or is about to occur;

27 (2) must be based on the final investigative report;

1 and

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

4 (b) Not later than the 20th day after the division issues a
5 charge, the division shall send a copy of a charge with information
6 concerning the election under Section 6.12 of this Act to:

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

9 (2) each aggrieved person on whose behalf the
10 complaint was filed.

11 SECTION 6.09. DISMISSAL. (a) If the division determines
12 that reasonable cause does not exist to believe that a
13 discriminatory practice has occurred or is about to occur, the
14 division shall promptly dismiss the complaint.

15 (b) The division shall make public disclosure of each
16 dismissal under this section.

17 SECTION 6.10. PENDING CIVIL TRIAL. The division may not
18 issue a charge under this section regarding an alleged
19 discriminatory practice after the beginning of the trial of a civil
20 action commenced by the aggrieved party under federal or state law
21 seeking relief with respect to that discriminatory practice.

22 SECTION 6.11. SUBPOENAS; DISCOVERY. (a) The division may
23 issue subpoenas and order discovery as provided by this section in
24 aid of investigations and hearings under this Act.

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

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

6 (b) The election must be made not later than the 20th day
7 after the date of receipt by the electing person of service under
8 Section 6.08(b) of this Act or, in the case of the division, not
9 later than the 20th day after the date the charge was issued.

10 (c) The person making the election shall give notice to the
11 division and to all other complainants and respondents to whom the
12 charge relates.

13 SECTION 6.13. ATTORNEY GENERAL ACTION FOR ENFORCEMENT. (a)
14 If a timely election is made under Section 6.12 of this Act, the
15 division shall authorize and, not later than the 30th day after the
16 election is made, the attorney general shall file a civil action on
17 behalf of the aggrieved person in a district court seeking relief
18 under this section.

19 (b) Venue for an action under this section is in the county
20 in which the alleged discriminatory practice occurred or in Travis
21 County.

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

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

27 (e) If monetary relief is sought for the benefit of an

1 aggrieved person who does not intervene in the civil action, the
2 court may not award the monetary relief if that aggrieved person has
3 not complied with discovery orders entered by the court.

4 SECTION 6.14. ADMINISTRATIVE HEARING. (a) If a timely
5 election is not made under Section 6.12 of this Act, the division
6 shall provide for a hearing on the charge.

7 (b) Except as provided by Subsection (c) of this section,
8 Chapter 2001, Government Code, governs a hearing under this
9 section.

10 (c) A hearing under this section may not continue regarding
11 any alleged discriminatory practice after the beginning of the
12 trial of a civil action commenced by the aggrieved party under
13 federal or state law seeking relief with respect to that
14 discriminatory practice.

15 SECTION 6.15. RELIEF; CIVIL PENALTIES. (a) If the division
16 determines at a hearing under Section 6.14 of this Act that a
17 respondent has engaged in or is about to engage in a discriminatory
18 practice, the division may order the appropriate relief, including
19 actual damages, reasonable attorney's fees, court costs, and other
20 injunctive or equitable relief.

21 (b) To vindicate the public interest, the division may
22 assess a civil penalty against the respondent in an amount that does
23 not exceed:

24 (1) \$10,000 if the respondent has been adjudged by
25 order of the division or a court to have committed a prior
26 discriminatory practice;

27 (2) except as provided by Subsection (c) of this

1 section, \$25,000 if the respondent has been adjudged by order of the
2 division or a court to have committed one other discriminatory
3 practice during the five-year period ending on the date of the
4 filing of the charge; and

5 (3) except as provided by Subsection (c) of this
6 section, \$50,000 if the respondent has been adjudged by order of the
7 division or a court to have committed two or more discriminatory
8 practices during the seven-year period ending on the date of the
9 filing of the charge.

10 (c) If the acts constituting the discriminatory practice
11 that is the object of the charge are committed by the same
12 individual who has been previously adjudged to have committed acts
13 constituting a discriminatory practice, the civil penalties in
14 Subsections (b)(2) and (3) of this section may be imposed without
15 regard to the period within which any other discriminatory practice
16 occurred.

17 (d) At the request of the division, the attorney general
18 shall sue to recover a civil penalty due under this section. Funds
19 collected under this section shall be paid to the state treasurer
20 for deposit in the state treasury.

21 SECTION 6.16. EFFECT OF DIVISION ORDER. A division order
22 under Section 6.15 of this Act does not affect a contract, sale,
23 encumbrance, or lease that:

24 (1) was consummated before the division issued the
25 order; and

26 (2) involved a bona fide purchaser, encumbrancer, or
27 tenant who did not have actual notice of the charge filed under this

1 Act.

2 SECTION 6.17. ORDER IN PRECEDING FIVE YEARS. If the
3 division issues an order against a respondent against whom another
4 order was issued within the preceding five years under Section 6.15
5 of this Act, the division shall send a copy of each order issued
6 under that section to the attorney general.

7 ARTICLE 7. ENFORCEMENT BY PRIVATE PERSONS

8 SECTION 7.01. CIVIL ACTION. (a) An aggrieved person may
9 file a civil action in district court not later than the second year
10 after the occurrence of the termination of an alleged
11 discriminatory practice, or the breach of a conciliation agreement
12 entered into under this Act, whichever occurs last, to obtain
13 appropriate relief with respect to the discriminatory practice or
14 breach.

15 (b) The two-year period does not include any time during
16 which an administrative hearing under this Act is pending with
17 respect to a complaint or charge under this Act based on the
18 discriminatory practice. This subsection does not apply to actions
19 arising from a breach of a conciliation agreement.

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

24 (d) If the division has obtained a conciliation agreement
25 with the consent of an aggrieved person, the aggrieved person may
26 not file an action under this section with respect to the alleged
27 discriminatory practice that forms the basis for the complaint

1 except to enforce the terms of the agreement.

2 (e) An aggrieved person may not file an action under this
3 section with respect to an alleged discriminatory practice that
4 forms the basis of a charge issued by the division if the division
5 has begun a hearing on the record under this Act with respect to the
6 charge.

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

- 10 (1) actual and punitive damages;
- 11 (2) reasonable attorney's fees;
- 12 (3) court costs; and
- 13 (4) subject to Section 7.03 of this Act, any permanent
14 or temporary injunction, temporary restraining order, or other
15 order, including an order enjoining the defendant from engaging in
16 the practice or ordering other appropriate action.

17 SECTION 7.03. EFFECT OF RELIEF GRANTED. Relief granted
18 under this article does not affect a contract, sale, encumbrance,
19 or lease that:

20 (1) was consummated before the granting of the relief;

21 and

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

25 SECTION 7.04. INTERVENTION BY ATTORNEY GENERAL. (a) The
26 attorney general may intervene in an action under this article if
27 the attorney general certifies that the case is of general public

1 importance.

2 (b) The attorney general may obtain the same relief
3 available to the attorney general under Section 8.01(b) of this
4 Act.

5 ARTICLE 8. ENFORCEMENT BY ATTORNEY GENERAL

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

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

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

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

16 (1) award preventive relief, including a permanent or
17 temporary injunction, restraining order, or other order against the
18 person responsible for a violation of this Act as necessary to
19 assure the full enjoyment of the rights granted by this Act;

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

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

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

25 (B) \$100,000 for a second or subsequent
26 violation.

27 (c) A person may intervene in an action under this section

1 if the person is:

2 (1) an aggrieved person to the discriminatory
3 practice; or

4 (2) a party to a conciliation agreement concerning the
5 discriminatory practice.

6 SECTION 8.02. SUBPOENA ENFORCEMENT. The attorney general,
7 on behalf of the division or other party at whose request a subpoena
8 is issued under this Act, may enforce the subpoena in appropriate
9 proceedings in district court.

10 ARTICLE 9. CRIMINAL PENALTY

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

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

15 ARTICLE 10. EFFECTIVE DATE

16 SECTION 10.01. EFFECTIVE DATE. This Act takes effect
17 September 1, 2005.