

HCS HB 468 -- UNLAWFUL DISCRIMINATORY PRACTICES

SPONSOR: Byrd

COMMITTEE ACTION: Voted "do pass" by the Committee on Judiciary by a vote of 10 to 8.

This substitute limits the total damages (actual and punitive) that a plaintiff in an unlawful discriminatory action filed pursuant to Chapter 213, RSMo, (Human Rights) may be awarded, depending upon the number of employees of the respondent. Housing-related actions, actions in which battery has been committed, and actions brought by the Attorney General are excluded from the damage caps. Punitive damages may not be awarded against the state or any of its political subdivisions. The substitute also allows either party to demand a trial by jury.

FISCAL NOTE: No impact on state funds.

PROPONENTS: Supporters say that the recent Missouri Supreme Court decision giving employment discrimination plaintiffs the right to trial by jury puts Missouri employers at a competitive disadvantage, so the bill's damage award caps are necessary to protect Missouri businesses.

Testifying for the bill were Representative Byrd; Mark A. Jess; Missouri Grocers' Association; Associated Industries of Missouri; Missouri Retailers' Association; St. Louis Regional Chamber and Growth Association; Missouri Chamber of Commerce.

OPPONENTS: Those who oppose the bill say that damages for intentional conduct should not be capped, and that the judicial act of remittitur protects businesses from bankruptcy.

Testifying against the bill were National Employment Lawyers' Association; and Martin M. Meyers.

Julie Jinkens McNitt, Legislative Analyst