
A BILL FOR AN ACT

RELATING TO THE HAWAII CIVIL RIGHTS COMMISSION.

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

1 SECTION 1. Section 368-13, Hawaii Revised Statutes, is
2 amended by amending subsection (e) to read as follows:

3 "(e) [~~Where~~] When the executive director has determined
4 that there is reasonable cause to believe that an unlawful
5 discriminatory practice has occurred and has been unable to
6 secure from the respondent a conciliation agreement acceptable
7 to the commission within one-hundred and eighty days of the
8 filing of the complaint unless the commission has granted an
9 extension of time, the executive director [~~shall~~], in the
10 executive director's discretion, may:

- 11 (1) [~~demand~~] Demand that the respondent cease the unlawful
12 discriminatory practice[-]; or
13 (2) Dismiss the complaint and issue a notice to the
14 complainant indicating that the complainant may bring
15 a civil action as provided under 368-12.

16 The executive director's determination that a final
17 conciliation demand is to be made shall be subject to
18 reconsideration by the commission on its own initiative but



1 shall not be subject to judicial review. The executive director
2 may demand appropriate affirmative action as, in the judgment of
3 the executive director, will effectuate the purpose of this
4 chapter, and include a requirement for reporting on the manner
5 of compliance.

6 The executive director's determination that a complaint is
7 to be dismissed and a notice of right to sue issued shall not be
8 subject to reconsideration by the commission or judicial
9 review."

10 SECTION 2. This Act does not affect rights and duties that
11 matured, penalties that were incurred, and proceedings that were
12 begun before its effective date.

13 SECTION 3. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 4. This Act shall take effect upon its approval.
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INTRODUCED BY:

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H.B. NO. 683

Report Title:

Hawaii Civil Rights Commission; Investigation and Conciliation of Complaint

Description:

Authorizes the executive director to dismiss a discrimination complaint and issue a notice of right to sue after a determination of a reasonable cause of discrimination is made and conciliation fails.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

