

A Bill for an Act Relating to Preliminary Determination of Probable Cause.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 11-405, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Upon hearing the response, if the respondent explains or otherwise responds to the complaint, and upon completion of any investigation, the commission may make a prompt preliminary determination as to whether probable cause exists that a violation of this part has been committed. The preliminary determination with findings of fact and conclusions of law shall be served upon the respondent by ~~[certified mail.]~~ first-class mail. As a courtesy, the commission shall send the preliminary determination with findings of fact and conclusions of law to the respondent by electronic mail; provided that the electronic mail shall not constitute service. If the respondent is a candidate, candidate committee, or noncandidate committee and the preliminary determination is mailed to the address contained in the organizational report of the candidate or committee, there shall be a presumption that the candidate or committee received the preliminary determination within seven business days of the preliminary determination being mailed.”

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

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 Statutory material to be repealed is bracketed and stricken.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

SECTION 4. This Act shall take effect upon its approval.

(Approved June 7, 2023.)