



Senate

General Assembly

File No. 93

February Session, 2000

Substitute Senate Bill No. 419

Senate, March 17, 2000

The Committee on Judiciary reported through SEN. WILLIAMS of the 29th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***An Act Concerning The Review And Dismissal Of
Discriminatory Practice Complaints By The Commission On
Human Rights And Opportunities.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 46a-83 of the general statutes is
2 repealed and the following is substituted in lieu thereof:

3 (b) Within ninety days of the filing of the respondent's answer to the
4 complaint, the executive director or [his] the executive director's
5 designee shall review the file. The review shall include the complaint,
6 the respondent's answer and the responses to the commission's
7 requests for information, if any, and the complainant's comments, if
8 any, to the respondent's answer and information responses. If the
9 executive director or [his] the executive director's designee determines
10 that the complaint fails to state a claim for relief or is frivolous on its
11 face, that the respondent is exempt from the provisions of this chapter
12 or that there is no reasonable possibility that investigating the

13 complaint will result in a finding of reasonable cause, the complaint
14 shall be dismissed. This subsection shall not apply to any complaint
15 alleging a violation of section 46a-64c or 46a-81e. The executive
16 director shall report the results of [his] the executive director's
17 determinations pursuant to this subsection to the commission
18 quarterly during each year.

19 Sec. 2. Subsection (e) of section 46a-83 of the general statutes is
20 repealed and the following is substituted in lieu thereof:

21 (e) If the investigator issues a finding of no reasonable cause or if the
22 complaint is dismissed (1) for failure to state a claim for relief, (2)
23 because it is frivolous on its face, ~~(3) because the respondent is exempt~~
24 ~~from the provisions of this chapter,~~ or ~~[(3)]~~ (4) because there is no
25 reasonable possibility that investigating the complaint will result in a
26 finding of reasonable cause or if the complaint is dismissed pursuant
27 to subsection (c) of this section, the complainant may request
28 reconsideration of such finding or dismissal with the executive director
29 of the commission, or [his] the executive director's designee, not later
30 than fifteen days from the issuance of such finding or dismissal. The
31 executive director of the commission, or [his] the executive director's
32 designee, shall reconsider or reject within ninety days of the issuance
33 of such finding or dismissal. The executive director of the commission,
34 or [his] the executive director's designee, shall conduct such additional
35 proceedings as may be necessary to render a decision on the request
36 for reconsideration.

Statement of Legislative Commissioners:

Technical changes were made for purposes of gender neutrality.

JUD Committee Vote: Yea 39 Nay 0 JFS-LCO

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Affected Agencies: Commission On Human Rights And Opportunities

Municipal Impact: None

Explanation

State Impact:

There is no fiscal impact for the Commission on Human Rights and Opportunities with the passage of this bill. The bill allows the commission to dismiss a discrimination case without a full investigation when it is determined that the person accused of discrimination is exempt from anti-discrimination laws.

The Commission has the authority to dismiss a case that does not state a claim for relief or has no reasonable possibility for a reasonable cause finding. This is called the Merit Assessment Review process.

OLR Bill Analysis

SB 419

***AN ACT CONCERNING THE REVIEW AND DISMISSAL OF
DISCRIMINATORY PRACTICE COMPLAINTS BY THE
COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES.*****SUMMARY:**

This bill authorizes the Commission on Human Rights and Opportunities (CHRO) to dismiss a discrimination case without a full investigation if the executive director or her designee determines the person accused of discrimination (respondent) is exempt from the anti-discrimination laws. This is the same authority CHRO already has to dismiss a case that does not state a claim for relief, is frivolous on its face, or that has no reasonable possibility that investigation will result in a reasonable cause finding. Neither current law nor the bill applies to housing discrimination cases.

The bill authorizes the complainant to ask for reconsideration of a dismissal. The request must be made within 15 days after the dismissal. CHRO can conduct whatever additional proceedings it needs to make a decision.

EFFECTIVE DATE: October 1, 2000

DISSIMISSAL WITHOUT FULL INVESTIGATION

In order to exercise this authority, the executive director or her designee must review the case file within 90 days after the respondent files his answer with CHRO. The review must include the complaint; the respondent's answer and responses to CHRO's requests for information, if any; and the complainant's comments about the answer and response, if any.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Report

Yea 39 Nay 0