



General Assembly

January Session, 2001

Raised Bill No. 6583

LCO No. 3211

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING RECONSIDERATION REQUESTS AND THE REOPENING OF MATTERS 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1 Section 1. 46a-83a of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 (a) If a complaint is dismissed pursuant to subsection (b) of section
4 46a-83, or is dismissed for failure to accept full relief pursuant to
5 subsection (c) of said section 46a-83, and the complainant does not
6 request reconsideration of such a dismissal as provided in subsection
7 (e) of said section 46a-83 the executive director of the commission shall
8 issue a release and the complainant may, within ninety days of receipt
9 of the release from the commission, bring an action in accordance with
10 section 46a-100 and sections 46a-102 to 46a-104, inclusive.

11 (b) The executive director of the commission may, upon the
12 complainant's request, issue a release from the commission if (1) a
13 complaint is dismissed pursuant to subsection (b) of section 46a-83, (2)
14 the complainant requests reconsideration of the dismissal, or (3) the

15 reconsideration request has not yet been acted upon in accordance
16 with subsection (e) of section 46a-83.

17 Sec. 2. Subsection (c) of section 46a-94a of the general statutes is
18 repealed and the following is substituted in lieu thereof:

19 (c) The commission on its own motion or the executive director
20 may, whenever justice so requires, reopen any matter previously
21 closed by [it] the commission in accordance with the provisions of this
22 subsection, provided such matter had not been appealed to the
23 Superior Court pursuant to section 4-183. Notice of such reopening
24 shall be given to all parties. A complainant or respondent may, for
25 good cause shown, in the interest of justice, apply in writing for the
26 reopening of a previously closed proceeding provided such
27 application is filed with the commission [within six years of the
28 commission's final decision or by October 1, 2000, whichever comes
29 first. After October 1, 2000, such application shall be filed] within two
30 years of the commission's final decision.

31 Sec. 3. Section 46a-94a of the general statutes is amended by adding
32 subsection (d) as follows:

33 (NEW) (d) The standards for opening a complaint may include, but
34 are not limited to: (1) A material mistake of fact or law has occurred;
35 (2) the finding is arbitrary or capricious; (3) the finding is clearly
36 erroneous in view of the reliable, probative and substantial evidence
37 on the whole record; (4) new evidence has been discovered which
38 materially affects the merits of the case and which, for good reasons,
39 was not presented during the investigation; and (5) other good cause
40 for reopening exists.

41 Sec. 4. This act shall take effect from its passage.

Statement of Purpose:

To allow the executive director, upon the complainant's request, to issue a release from the commission if a request for reconsideration is pending; to provide the executive director, as well as the commission

with the authority to reopen a previously closed complaint upon receipt of a written request for reopening; and to provide standards for reopening a previously closed matter.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]