



General Assembly

Substitute Bill No. 6583

January Session, 2001

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. Section 46a-83a of the general statutes is repealed and the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, and (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18 repealed and the following is substituted in lieu thereof: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 may, whenever justice so
20 requires, reopen any matter previously closed by [it] the commission
21 in accordance with the provisions of this subsection, provided such
22 matter had not been appealed to the Superior Court pursuant to
23 section 4-183. Notice of such reopening shall be given to all parties. A
24 complainant or respondent may, for good cause shown, in the interest
25 of justice, apply in writing for the reopening of a previously closed
26 proceeding provided such application is filed with the commission
27 [within six years of the commission's final decision or by October 1,
28 2000, whichever comes first. After October 1, 2000, such application
29 shall be filed] within two years of the commission's final decision.

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

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

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

JUD **JOINT FAVORABLE SUBST.**