



Senate

General Assembly

February Session, 2002

File No. 368

Senate Bill No. 627

Senate, April 8, 2002

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING THE GRANT OF A RELEASE TO SUE 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 (a) of section 46a-83a of the general statutes, as
2 amended by section 1 of public act 01-95, is repealed and the following
3 is substituted in lieu thereof (*Effective from passage*):

4 (a) If a complaint is dismissed pursuant to subsection (b) of section
5 46a-83, or is dismissed for failure to accept full relief pursuant to
6 subsection (c) of [said] section 46a-83, and the complainant does not
7 timely request reconsideration of such a dismissal as provided in
8 subsection (e) of [said] section 46a-83, the executive director of the
9 commission shall issue a release and the complainant may, within
10 ninety days of receipt of the release from the commission, bring an
11 action in accordance with section 46a-100 and sections 46a-102 to 46a-
12 104, inclusive.

This act shall take effect as follows:	
Section 1	<i>from passage</i>

JUD *Joint Favorable*

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

Municipal Impact: None

Explanation

The bill gives those who file in an untimely fashion a petition with the Commission on Human Rights and Opportunities for reconsideration of a case that has been released the right to sue the respondent. It conforms statute to current practice and therefore there is no fiscal impact.

OLR Bill Analysis

sSB 627

***AN ACT CONCERNING THE GRANT OF A RELEASE TO SUE BY
THE COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES*****SUMMARY:**

This bill requires the Commission on Human Rights and Opportunities (CHRO) executive director to give people, whose discrimination complaints have been dismissed, written permission to file a lawsuit unless they ask the CHRO to reconsider its decision within 15 days after it issued the dismissal. This authority applies to those whose complaints were dismissed (1) without a full investigation or (2) because the respondent (the accused person) eliminated the discrimination complained of, took steps to prevent similar discrimination again, and the complainant refused the respondent's offer of full relief.

Under current practice, CHRO formally processes requests for reconsiderations that are made after the 15-day statutory time period, ultimately rejects them because they were filed late, and gives the person who filed the late request permission to file a lawsuit.

CHRO relinquishes its jurisdiction to pursue discrimination complaints once it gives the complainant permission to go to court.

EFFECTIVE DATE: Upon passage

BACKGROUND***Dismissal Without Full Investigation***

By law, CHRO may dismiss a complaint without a full investigation if (1) the executive director or her designee determines the accused person is exempt from the anti-discrimination laws, or (2) the case does not state a claim for relief, is frivolous on its face, or has no reasonable possibility that an investigation will result in a reasonable cause finding (CGS § 46a-83(b)).

Reconsideration of Dismissals

A request for reconsideration of a dismissal must be made within 15 days from the date CHRO dismissed it. CHRO's executive director has 90 days from the date CHRO dismissed the complaint to reconsider or reject the request (CGS § 46a-83(e)).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Report

Yea 40 Nay 0