H.R. NO. 182

HOUSE RESOLUTION

REQUESTING THE HAWAIʻI CIVIL RIGHTS COMMISSION TO EXAMINE THE
 APPLICABILITY OF EXISTING STATE ANTI-DISCRIMINATION LAWS TO
 ALGORITHMIC AND AUTOMATED DECISION SYSTEMS.

1   WHEREAS, Hawaii has a longstanding commitment to protecting
2 individuals from discrimination in employment, housing, public
3 accommodations, credit, and access to state and county services;
4 and
5
6   WHEREAS, the Hawaiʻi Civil Rights Commission is charged with
7 enforcing the State's anti-discrimination laws and ensuring
8 equal opportunity for all of Hawaii's residents; and
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10   WHEREAS, algorithmic and automated decision systems,
11 including artificial intelligence tools, are increasingly used
12 in employment screening, tenant selection, credit
13 determinations, and public benefits eligibility determinations
14 to make decisions in areas that are traditionally protected by
15 anti-discrimination laws; and
16
17   WHEREAS, research and national experience suggests that
18 algorithmic and automated determination systems may replicate,
19 amplify, or obscure patterns of discrimination, particularly
20 when these systems are built upon biased data or opaque modeling
21 practices or lack sufficient oversight; and
22
23   WHEREAS, discrimination arising from algorithmic and
24 automated decision systems may present novel jurisdictional,
25 evidentiary, and enforcement questions under the State's
26 existing civil rights statutes; and
27
28   WHEREAS, ensuring that civil rights protections remain
29 effective in the face of evolving technologies is consistent
30 with this body's responsibility to uphold fairness, equal
31 protection, and public confidence in government; now, therefore,
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1   BE IT RESOLVED by the House of Representatives of the
2   Thirty-third Legislature of the State of Hawaii, Regular Session
3   of 2026, that the Hawaiʻi Civil Rights Commission is requested to
4   examine the applicability of existing state anti-discrimination
5   laws to algorithmic and automated decision systems; and
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7   BE IT FURTHER RESOLVED that the examination include, to the
8   extent possible:
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10   (1)   An assessment of whether existing state law provides
11   sufficient authority to investigate and remedy
12   discrimination arising from algorithmic or automated
13   determination systems;
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15   (2)   Identification of potential jurisdictional or
16   evidentiary challenges associated with algorithmic
17   discrimination claims;
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19   (3)   Evaluation of whether guidance, rulemaking, or
20   administrative clarification may assist individuals
21   and regulated entities in understanding their rights
22   and responsibilities;
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24   (4)   Consideration of the feasibility of establishing an
25   intake or complaint pathway for alleged algorithmic or
26   automated discrimination under existing state law; and
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28   (5)   Recommendations, if any, for legislative action to
29   ensure civil rights and anti-discrimination
30   protections remain effective; and
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32   BE IT FURTHER RESOLVED that the Hawaiʻi Civil Rights
33   Commission is requested to submit a report of its findings and
34   recommendations, including any proposed legislation, to the
35   Legislature no later than twenty days prior to the convening of
36   the Regular Session of 2027; and
37
38   BE IT FURTHER RESOLVED that certified copies of this
39   Resolution be transmitted to the Chair of the Hawaiʻi Civil
40   Rights Commission and Executive Director of the Hawaiʻi Civil
41   Rights Commission.
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OFFERED BY: _Amy Peruso_

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