

MAR 16 2026

SENATE CONCURRENT RESOLUTION

REQUESTING THE HAWAII 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

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6 WHEREAS, the Hawai'i 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

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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

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28 WHEREAS, ensuring that civil rights protections remain
29 effective in the face of evolving technologies is consistent



1 with this body's responsibility to uphold fairness, equal
2 protection, and public confidence in government; now, therefore,

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4 BE IT RESOLVED by the Senate of the Thirty-third
5 Legislature of the State of Hawaii, Regular Session of 2026, the
6 House of Representatives concurring, that the Hawai'i Civil
7 Rights Commission is requested to examine the applicability of
8 existing state anti-discrimination laws to algorithmic and
9 automated decision systems; and

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11 BE IT FURTHER RESOLVED that the examination include, to the
12 extent possible:

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14 (1) An assessment of whether existing state law provides
15 sufficient authority to investigate and remedy
16 discrimination arising from algorithmic or automated
17 determination systems;
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19 (2) Identification of potential jurisdictional or
20 evidentiary challenges associated with algorithmic
21 discrimination claims;
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23 (3) Evaluation of whether guidance, rulemaking, or
24 administrative clarification may assist individuals
25 and regulated entities in understanding their rights
26 and responsibilities;
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28 (4) Consideration of the feasibility of establishing an
29 intake or complaint pathway for alleged algorithmic or
30 automated discrimination under existing state law; and
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32 (5) Recommendations, if any, for legislative action to
33 ensure civil rights and anti-discrimination
34 protections remain effective; and
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36 BE IT FURTHER RESOLVED that the Hawai'i Civil Rights
37 Commission is requested to submit a report of its findings and
38 recommendations, including any proposed legislation, to the
39 Legislature no later than twenty days prior to the convening of
40 the Regular Session of 2027; and
41



S.C.R. NO. 184

1 BE IT FURTHER RESOLVED that certified copies of this
2 Concurrent Resolution be transmitted to the Chair of the Hawai'i
3 Civil Rights Commission and Executive Director of the Hawai'i
4 Civil Rights Commission.
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OFFERED BY: Karl Rhoads

