

MAR 16 2026

---

---

# SENATE 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  
5

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  
9

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,  
32



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

6  
7 BE IT FURTHER RESOLVED that the examination include, to the  
8 extent possible:

- 9
- 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;
  - 14  
15 (2) Identification of potential jurisdictional or  
16 evidentiary challenges associated with algorithmic  
17 discrimination claims;
  - 18  
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;
  - 23  
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  
27
  - 28 (5) Recommendations, if any, for legislative action to  
29 ensure civil rights and anti-discrimination  
30 protections remain effective; and

31  
32 BE IT FURTHER RESOLVED that the Hawai'i 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 Hawai'i Civil  
40 Rights Commission and Executive Director of the Hawai'i Civil  
41 Rights Commission.  
42



S.R. NO. 165

1  
2

OFFERED BY: Karl Rhoads

