



HAWAI‘I CIVIL RIGHTS COMMISSION **KOMIKINA PONO KIWILA O HAWAI‘I**

830 PUNCHBOWL STREET, ROOM 411, HONOLULU, HI 96813 · PHONE: (808) 586-8636 · FAX: (808) 586-8655 · TDD: (808) 586-8692

Friday, April 17, 2026 8:30 a.m.
Conference Room 430 & Videoconference
State Capitol, 415 South Beretania Street

To:

[COMMITTEE ON ECONOMIC DEVELOPMENT & TECHNOLOGY](#)

Rep. Greggor Ilagan, Chair

Rep. Ikaika Hussey, Vice Chair

From: Marcus L. Kawatachi, Executive Director of the Hawai‘i Civil Rights Commission
and HCRC Staff

Re: SCR184 & Companion HCR192/HR182

HCRC Staff Comments

While the Commission has not yet had the opportunity to meet and take an official position on SCR184/HCR192/HR182, the Hawai‘i Civil Rights Commission (HCRC) staff provides following comments:

SCR184 would require the HCRC to examine the applicability of existing state anti-discrimination laws to algorithmic and automated decision systems by (1) assessing existing state laws with regard to algorithmic and automated decision making; (2) identifying potential jurisdictional or evidentiary challenges; (3) evaluating whether guidance or rulemaking will assist individuals and entities in understanding obligations and rights; (4) consideration of complaint pathways under existing state law; and (5) recommendations for legislative action.

SCR184 would require the HCRC to submit a report of its findings to the legislature prior to the convening of the Regular Session of 2027.

As background, the HCRC carries out the Hawai'i constitutional mandate that no person shall be discriminated against in the exercise of their civil rights. Art. I, Sec. 5. HCRC has enforcement jurisdiction over Hawai'i's laws prohibiting discrimination in employment (Chapter 378, Part I, HRS), housing (Chapter 515, HRS), public accommodations (Chapter 489, HRS), and access to state and state-funded services (HRS § 368-1.5).

As technological advances increase and as technology increasingly becomes an essential part of every day life for many individuals and industries, looking critically at how artificial intelligence and algorithmic and automated decisionmaking is being used currently and will be used in the foreseeable future becomes necessary. Algorithmic or automated systems that are used to screen out applicants for housing or employment may superficially appear to take the human bias or discriminatory motive out of the decisionmaking process. However, research has shown these systems may continue or exacerbate historic discriminatory practices, as learning models use existing information (that may be based on past discriminatory practices) in its recommendations.¹

A few jurisdictions and states have recently enacted or introduced laws to regulate and combat algorithmic discrimination, including Colorado, California, and New York City (regulating

¹ Ghasemaghaei, Maryam, and Nima Kordzadeh, *Understanding how algorithmic injustice leads to making discriminatory decisions: An obedience to authority perspective*, Science Direct, <https://www.sciencedirect.com/science/article/pii/S037872062400003X>, last accessed on March 30, 2026.

Sombetzki, Pia, *How and Why Algorithms Discriminate*, Algorithm Watch, <https://algorithmwatch.org/en/how-and-why-algorithms-discriminate/>, last accessed on March 30, 2026.

artificial intelligence (AI) discrimination in the workplace).² With the increasing reliance upon AI in our society and the increasing integration of algorithmic decisionmaking in industries, it is extremely likely that more states and local jurisdictions will seek to regulate this industry.

SCR184 is incredibly timely in this regard. It is highly unlikely that AI and algorithmic decisionmaking will disappear from society. This concurrent resolution addresses the reality that algorithmic decisionmaking will continue to be a part of decisions made in employment, housing, and other areas in life, and requires the HCRC to take a critical look at existing law and anticipate problems before they arise.

The HCRC is the agency that is tasked to handle these types of discriminatory complaints in employment, housing, public accommodations, and access to state and state-funded activities. While all cases are fact-specific, the HCRC would currently take complaints alleging discriminatory practices by AI or algorithmic decisionmaking systems that fall under our jurisdiction. The HCRC staff believes that the report that will be generated from this concurrent resolution will provide critical insight into the sufficiency of existing state law in handling algorithmic discrimination, and whether future legislation may be necessary.

Mahalo for the opportunity to provide these comments.

² States Passing Laws to Prevent AI Discrimination in Workplace, March 25, 2025, LexisNexis, <https://www.lexisnexis.com/community/insights/legal/capitol-journal/b/state-net/posts/states-passing-laws-to-prevent-ai-discrimination-in-workplace>, last accessed on March 30, 2026.