



LAWS OF ALASKA

1970

Source

Chapter No.

CSHB 803

240

AN ACT

Relating to the jurisdiction of the superior court over anti-discrimination law violations.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 22.10.020 is amended by adding a new subsection to read:

(c) The superior court is the court of original jurisdiction over all causes of action arising under the provisions of AS 18.80 or under AS 23.10.192. A person who is injured or aggrieved by an act, practice or policy which is prohibited under AS 18.80 or under AS 23.10.192 may apply to the superior court for relief. The person aggrieved or injured may maintain an action on his own behalf or on behalf of a class consisting of all persons who are aggrieved or injured by the act, practice or policy giving rise to the action. In an action brought under this subsection, the court may grant relief as to any act, practice or policy of the defendant which is prohibited by AS 18.80 or by AS 23.10.192, regardless of whether each act, practice or policy, with respect to which relief is granted, directly affects the plaintiff, so long as a class or members of a class of which the plaintiff is a member are or may be aggrieved or injured by the act, practice or policy. The court may enjoin any act, practice or policy which is illegal under AS 18.80 or under AS 23.10.192 and may order any other relief, including the payment of money, that is appropriate.

* Sec. 2. AS 18.80 is amended by adding a new section to read:

Sec. 18.80.145. INTERVENTION BY STATE COMMISSION FOR HUMAN RIGHTS. (a) When an action is brought under AS 22.-10.020(c), the plaintiff shall serve a copy of the complaint.

on the State Commission for Human Rights. Upon timely application, the commission may intervene as a party to the action as a matter of right. If the commission certifies in writing to the court that it is presently investigating or actively dealing with the act, practice or policy of the defendant giving rise to the cause of action, the court shall, at the request of the commission, defer proceedings for a period of not more than 45 days or such extended period as the court may allow; except that the court may enter an order or injunction if necessary to prevent irreparable injury to the plaintiff.

(b) If within the period allowed or less the commission conducts a hearing and reaches a decision under secs. 120 and 130 of this chapter, the decision of the commission shall be binding on the parties to the law suit as to all issues resolved in the hearing but not as to any issues not resolved in the hearing.

(c) When proceedings in the superior court are deferred for a hearing and decision by the commission under this section, the plaintiff may proceed, after the decision of the commission, as an aggrieved party for the purpose of obtaining judicial review under sec. 135 of this chapter, whether or not he was a party to, or complainant in, the commission proceedings.

(d) If the commission does not intervene or file a certificate and conduct a hearing as provided in this section, the court shall have complete jurisdiction of the case, notwithstanding the provisions of sec. 280 of this chapter.