

ASSEMBLY THIRD READING

AB 1007 (Carrillo)

As Amended May 24, 2021

Majority vote

SUMMARY

Establishes the Forced or Involuntary Sterilization Compensation Program to provide compensation to those who were forcibly sterilized under California's eugenic laws, as well as those sterilized without medical necessity or demonstrated informed consent while incarcerated.

Major Provisions

- 1) Establishes the Forced or Involuntary Sterilization Compensation Program to be administered by the California Victims Compensation Board (the board).
- 2) States that the purpose of the program is to provide compensation to any survivor of state-sponsored sterilization conducted pursuant to eugenic laws that existed in the State of California between 1909 and 1979.
- 3) Requires California Department of Corrections (CDCR) to post notice of the program, qualifications, and claim process in all parole and probation offices, as well as in all state prison yards.
- 4) Requires the board to do all of the following to implement the program:
 - a) Develop an outreach plan within six months of enactment, and conduct outreach to locate qualified recipients, as specified;
 - b) Develop and implement procedures to review and process applications within six months of enactment;
 - c) Review and verify all applications for victim compensation;
 - d) Consult the eugenic sterilization database at the University of Michigan, and records of specified agencies, including the State Department of State Hospitals (DSH), the State Department of Developmental Services (DDS), CDCR, to verify the identity of an individual claiming to have been sterilized pursuant to eugenics laws or while under the custody of CDCR;
 - e) Disclose coercive sterilizations that occurred in California prisons; and,
 - f) Oversee an appeal process.
- 5) Requires the board use a preponderance of the evidence standard to determine whether it is more likely than not that the applicant is a qualified recipient.
- 6) States that these provisions shall become operative only upon an appropriation of at least \$7,500,000 in the annual Budget Act or other statute, to the board, DSH, DDS, and CDCR for the purposes of implementing this bill.

- 7) Establishes a payment schedule for qualified applicants with initial payment within 60 days of approval and final payment after the filing window when all eligible applicants have been determined.

COMMENTS

According to the Author

According to the author, "AB 1007 will rightfully compensate people who were involuntarily sterilized under California's previous eugenics law and in women's state prisons after 1979, by creating the Forced Sterilization Compensation Program."

Arguments in Support

According to the *Disability Rights Education and Defense Fund*, "Between 1909 and 1979, California law directed the administrators of state institutions to forcibly sterilize individuals who they deemed 'unfit' for reproduction. Based on inaccurate and misguided assumptions about disability, people were labeled 'moron,' 'imbecile,' or 'mentally defective,' and they were summarily sterilized. California had the most aggressive sterilization program in the country, sterilizing 20,000 out of 60,000 people nationwide.

"The State of California now has the opportunity to denounce eugenics and coercive prison sterilizations for what they were: a flagrant human rights abuse. In recognition of the lasting harms that thousands of Californians endured, AB 1007 will provide surviving individuals with monetary compensation, and it will raise public awareness about the discriminatory harms that they faced. With this bill, California will become the third state in the nation to provide reparations to survivors of state-sponsored sterilization, following successful eugenics compensation programs in North Carolina (2013) and Virginia (2015). It will become the first to provide reparations to survivors of prison sterilizations."

Arguments in Opposition

None.

FISCAL COMMENTS

According to the Assembly Appropriations Committee, one-time cost pressure (General Fund) of \$7.5 million to provide direct payments to victims of forced or involuntary sterilization. Additional costs possibly in the hundreds of thousands of dollars to low millions of dollars for Cal VCB to administer the program. Additional costs possibly in the hundreds of thousands of dollars to the Department of State Hospitals, Department of Developmental Services and Secretary of State to provide information to Cal VCB to facilitate payment, as required by the bill.

VOTES

ASM PUBLIC SAFETY: 8-0-0

YES: Jones-Sawyer, Lackey, Bauer-Kahan, Quirk, Santiago, Seyarto, Wicks, Lee

ASM JUDICIARY: 11-0-0

YES: Stone, Gallagher, Chau, Chiu, Davies, Lorena Gonzalez, Holden, Kalra, Kiley, Maienschein, Reyes

ASM APPROPRIATIONS: 16-0-0

YES: Lorena Gonzalez, Bigelow, Calderon, Carrillo, Chau, Megan Dahle, Davies, Fong, Gabriel, Eduardo Garcia, Levine, Quirk, Robert Rivas, Akilah Weber, Holden, Luz Rivas

UPDATED

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