

Date of Hearing: April 20, 2021

Chief Counsel: Gregory Pagan

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Reginald Byron Jones-Sawyer, Sr., Chair

AB 557 (Muratsuchi) – As Amended March 25, 2021

SUMMARY: Requires the Attorney General (AG) to establish, maintain, and publicize a toll free public hotline telephone number, as specified. Specifically, **this bill:**

- 1) Requires the Attorney General to establish, maintain, and publicize a toll free public hotline telephone number for the following purposes:
 - a) Reporting hate crimes and connecting with local law enforcement agencies;
 - b) Connecting people who experienced or witnessed a hate crime or hate incident to other appropriate local resources;
 - c) The Attorney General may establish a list of community based organizations from which to provide referrals; and,
 - d) Disseminating information about the characteristics of hate crimes, and hate incidents, classes of individuals protected under California hate crimes law, civil remedies that may be available for victims of hate crimes, and reporting options.
- 2) Provides that the hotline shall be accessible to people with disabilities, and people who do not speak English.
- 3) Requires the hotline to operate Monday to Friday, inclusive, from 9 a.m. to 5 p.m., except for federal and state holidays, or as otherwise posted on the Attorney General's Internet website. The hotline when not in operation, shall provide a recorded message directing callers to dial 9-1-1 in case of an emergency or otherwise to call their local police nonemergency dispatch number. This information shall also be posted on the Attorney General's Internet website.
- 4) States that callers to the website should be advised that the filing of a false police report is punishable as a misdemeanor, as specified. This information shall be posted on the Attorney General's Internet website.
- 5) Requires the Attorney General to post, maintain, and publicize a reporting form for hate crimes and hate incidents on their Internet website that can be completed and submitted online.
- 6) The Attorney General's Internet website shall provide the public with same resources and information as provided by the hate crimes toll free public hotline.

EXISTING LAW:

- 1) Defines “hate crime” as a criminal act committed, in part or in whole, because of actual or perceived characteristics of the victim, including: disability, gender, nationality, race or ethnicity, religion, sexual orientation, or association with a person or group with one or more of the previously listed actual or perceived characteristics. (Pen. Code, § 422.55, subd. (a).)
- 2) Requires all state and local agencies to use the above definition when using the term “hate crime.” (Pen. Code, § 422.9.)
- 3) States that, in regard to hate crimes, the following definitions shall apply:
 - a) “Association with a person or group with these actual or perceived characteristics” includes advocacy for, identification with, or being on the ground owned or rented by, or adjacent to, any of the following: a community center, educational facility, family, individual, office, meeting hall, place of worship, private institution, public agency, library, or other entity, group, or person that has, or is identified with people who have, one or more of those characteristics listed in the definition of “hate crime,” as specified;
 - b) “Disability” includes mental disability and physical disability as specified;
 - c) “Gender” means sex, and includes a person’s gender identity and gender expression. “Gender expression” means a person’s gender-related appearance and behavior whether or not stereotypically associated with the person’s assigned sex at birth;
 - d) “In whole or in part because of” means that the bias motivation must be a cause in fact of the offense, whether or not other causes also exist. When multiple concurrent motives exist, the prohibited bias must be a substantial factor in bringing about the particular result. There is no requirement that the bias be a main factor, or that the crime would not have been committed but for the actual or perceived characteristic.¹
 - e) “Nationality” includes citizenship, country of origin, and national origin;
 - f) “Race or ethnicity” includes ancestry, color, and ethnic background; “Religion” includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism;
 - g) “Sexual orientation” means heterosexuality, homosexuality, or bisexuality; and,
 - h) “Victim” includes, but is not limited to, a community center, educational facility, entity, family, group, individual, office, meeting hall, person, place of worship, private institution, public agency, library, or other victim or intended victim of the offense. (Pen. Code, § 422.56).

¹ This subdivision does not constitute a change in, but is declaratory of, existing law under *In re M.S.* (1995) 10 Cal.4th 698 and *People v. Superior Court (Aishman)* (1995) 10 Cal.4th 735;

- 4) Provides that, subject to the availability of adequate funding, the Attorney General shall direct local law enforcement agencies to report to the Department of Justice, in a manner to be prescribed by the Attorney General, any information that may be required relative to hate crimes. (Pen. Code, § 13023.)
- 5) Specifies that “hate crime” includes a violation of statute prohibiting interference with a person’s exercise of civil rights because of actual or perceived characteristics, as listed above. (Pen. Code, § 422.55, subd. (b).)
- 6) Requires the Commission on Peace Officer Standards and Training to develop guidelines and a course of instruction and training for law enforcement officers who are employed as peace officers, or who are not yet employed as a peace officer but are enrolled in a training academy for law enforcement officers, addressing hate crimes. (Pen. Code, § 13519.6, subd. (a).)

FISCAL EFFECT: Unknown.

COMMENTS:

- 1) **Author’s Statement:** According to the author, “The 2001 final report of the California Civil Rights Commission on Hate Crimes recommended that the California DOJ ‘should establish and publicize a toll-free hotline number for reporting hate incidents and hate crimes, and should post an incident reporting form on its Web site, which can be completed on-line.’ The Commission believes that these reporting methods ‘will help overcome the hesitancy of victims and witnesses who distrust or harbor fears of local school and local law enforcement officials.’”
- 2) **Impact of Hotlines on Addressing Hate Crime:** California, as well as the nation as a whole, has seen a recent increase in hate crime activity. Due to the nature of the communities being targeted, such as immigrant communities, many incidents go unreported for fear of interactions with local law enforcement authorities. These communities therefore remain especially vulnerable and often feel as though they lack recourse for being targeted by hate crimes.² In an attempt to solve this problem, several California cities and counties, as well as other states, have implemented hate crime hotlines. States that have implemented hotlines, such as New York, Massachusetts, and Maryland, are seeing significant benefits. For example, both the New York and Massachusetts systems have led to increased substantive reports of hate crimes, which validates the fact that these crimes often go unreported and provides valuable data to law enforcement agencies. In addition, residents have reported that they found value in the ability to contact a sympathetic resource and have their experiences documented, even when the perpetrator remains unidentified and the incident is unresolved. The offices of the Alameda and San Francisco District Attorneys have implemented similar hate crime hotlines expecting similar benefits.³

² <http://www.lahumanrelations.org/hatecrime/reports/2013_hateCrimeReport.pdf> (as of March 29, 2017)

³ <http://www.npr.org/2017/02/18/515209900/massachusetts-hotline-tracks-post-election-hate?utm_source=facebook.com&utm_medium=social&utm_campaign=npr&utm_term=npnews&utm_content=20170218> (as of April 3, 2017); <<http://sanfrancisco.cbslocal.com/2016/11/18/san-francisco-hate-crime-hotline-donald-trump-election/>>; <http://www.alcoda.org/newsroom/2016/nov/hate_crimes_hotline> (as of April 3, 2017.)

AB 800 would provide valuable resources for vulnerable communities by establishing a hotline to report hate crimes. The hotline, by providing anonymity, will help to address the underreporting of hate crimes by assuaging the fears of targeted communities. In addition, the hotline will be able to direct victims to other resources, such as legal consultation and support services, so that victims are better equipped to address the impacts of being targeted by these crimes.

- 3) **Prior Legislation:** AB 800 (Chiu), of the 2017 Legislative Session, required the AG to establish, maintain and publicize a toll-free public hotline telephone number for the reporting of hate crimes. AB 800 was held on the Appropriations Committee suspense file.
- 4) **Argument in Support:** According to the *Santa Barbara Women's Political Committee*, "AB 557 requires the California Department of Justice to establish a toll-free hotline in addition to an online reporting system for hate crimes will allow victims and witnesses to report a hate incident against any group in a safe, anonymous manner, particularly those who may face language or cultural barriers or are undocumented. This reflects the SBWPC Mission statement to 'take social action against discrimination based on gender, race and ethnicity' as well as our position on Anti-Racism 'to identify, confront and eliminate racism in all its forms – systemic, individual, interpersonal, institutional and structural – to achieve racial and equity and justice.'"

REGISTERED SUPPORT / OPPOSITION:

Support

Anti-defamation League (Sponsor)
 California Charter Schools Association
 California Strategies & Advocacy, LLC
 County of Santa Clara
 Hadassah, the Women's Zionist of America, INC.
 Japanese American Citizens League National
 Santa Barbara Women's Political Committee
 Sustainable Food Policy Alliance
 The Arc and United Cerebral Palsy California Collaboration

Opposition

None

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