
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Steven Bradford, Chair
2021 - 2022 Regular

Bill No: AB 557 **Hearing Date:** July 6, 2021
Author: Muratsuchi
Version: June 28, 2021
Urgency: No **Fiscal:** Yes
Consultant: KW

Subject: *Hate crimes: hotline*

HISTORY

Source: Author

Prior Legislation: AB 800 (Chiu), Died in Assembly Appropriations Committee
AB 2799 (Saldana), Held in Senate Rules Committee 2008
AB 1234 (Kuehl), Ch. 700, Stats. 2004
AB 1673 (Chu), Died at Desk 2004
SB 1734 (Murray), Held in Senate Rules Committee 2000

Support: American Academy of Pediatrics, California; California Alliance for Retired Americans; California Asian Pacific American Bar Association; California Charter Schools Association; Center for Asian Americans United for Self Employment (CAUSE); County of Santa Clara; Democratic Party of Contra Costa County; Equality California; Hadassah, the Women's Zionist of America, INC.; Japanese American Citizens League National; Jewish Public Affairs Committee; Mayor Eric Garcetti, City of Los Angeles; Los Angeles County Board of Supervisors; Office of Lieutenant Governor Eleni Kounalakis; San Francisco Bay Area Rapid Transit District (BART); County of San Mateo; Sikh Coalition; Santa Barbara Women's Political Committee; Sustainable Food Policy Alliance; The Arc and United Cerebral Palsy California Collaboration

Opposition: None known

Assembly Floor Vote: 79 - 0

PURPOSE

The purpose of this bill is to require the Department of Justice to provide grant funds to community organizations and other local agencies, other than law enforcement agencies, with the purpose of those organizations operating hate crime telephone hotlines.

Existing law defines a “hate crime” as a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim: disability, gender, nationality, race or ethnicity, religion, sexual orientation, or the association with a person or group with one or more of these actual or perceived characteristics. (Pen. Code, § 422.55, subd. (a).)

Existing law clarifies “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.” (Pen. Code, § 422.56.)

Existing law states it is the public policy of this state to protect the public from crime and violence by encouraging all persons who are victims of or witnesses to crimes, or who otherwise can give evidence in a criminal investigation, to cooperate with the criminal justice system and not to penalize these persons for being victims or for cooperating with the criminal justice system. (Pen. Code, § 422.93, subd. (a).)

Existing law states whenever an individual who is a victim of or witness to a hate crime, or who otherwise can give evidence in a hate crime investigation, is not charged with or convicted of committing any crime under state law, a peace officer may not detain the individual exclusively for any actual or suspected immigration violation or report or turn the individual over to federal immigration authorities. (Pen. Code, § 422.93, subd. (b).)

This bill would require the Department of Justice (DOJ) to provide grants to community based organizations (CBOs) to fund local public telephone hotlines and online reporting portals for the purpose of:

- a) Reporting hate crimes and connecting with local law enforcement agencies;
- b) Connecting people who have experienced or witnessed a hate crime or hate incident to other appropriate local resources;
- c) Sharing information about the characteristics of hate crimes and hate incidents, classes of individuals protected under Chapter 1 (commencing with Section 422.55), civil remedies that may be available for victims of hate crimes, and reporting options.

This bill requires these hotlines and online portals established pursuant to these grants shall be accessible to people with disabilities and people who do not speak English.

This bill provides the CBOs receiving these grants represent targeted communities, including, without limitation, Asian and Pacific Islander, Black, Latino, Jewish, LGBTQ, and Muslim communities.

This bill requires the DOJ to do both of the following:

- 1) Collaborate with grant recipients to develop uniform intake forms and online submission forms;
- 2) Provide standardized training to, and in collaboration with, grant recipients regarding the intake, response to, and review of, hate crimes and related incidents.

This bill requires grant recipients to do the following:

- 1) Advise callers and website visitors that their personally identifiable information will not be shared with local, state, or federal law enforcement, including immigration enforcement, without their express permission;
- 2) Provide statistical data regarding hate crimes and related incidents reported to them to the department, in the form and at intervals prescribed by the department. This data shall not include any personally identifiable data regarding victims or reporting parties.

This bill states the DOJ shall compile information and annually prepare a report on hate crimes and related incidents reported to local hotlines and internet portals and make it available to the public.

COMMENTS

1. Need for This Bill

According to the author:

Anti-Asian rhetoric surrounding the COVID-19 pandemic has led to a dramatic spike in verbal and physical assaults against Asian Americans in the past year. According to the latest report from Stop AAPI Hate, over 6,600 anti-Asian hate incidents have occurred nationwide in 2020 and 2021 with 40% of those occurring in California.

Unfortunately, the majority of hate crimes go unreported to law enforcement. A Federal Bureau of Justice Statistics report found that 54% of hate crimes between 2011 and 2015 were not reported.

In order to reduce this disparity in reporting, AB 557 requires the California Department of Justice to establish and maintain an accessible toll-free hotline number and an online form for reporting hate crimes and hate incidents.

2. Anti-Asian Hate Crime Legislation

President Joe Biden on [May 20, 2021] Thursday signed into law anti-hate crime legislation in response to the surge of attacks on Asian Americans during the Covid-19 pandemic.

...

The newly enacted law would establish a position within the Justice Department centered on anti-Asian hate crimes and allocate resources to enhance state and local reporting.

...

The legislation passed with overwhelming majorities in both chambers, a relatively rare occurrence in recent years, and was a product of bipartisan deal-making that has eluded other highly charged issues.

Negotiators struck a deal to allow votes on a handful of amendments to the bill and made several tweaks to the legislative language, ultimately freeing up the legislation to sail through Congress. Republicans earlier in the process expressed concern that the legislation was duplicative of other hate crimes statutes and would be designed instead to use as a political cudgel against the GOP.

Former President Donald Trump and other Republicans enraged Democrats and many Asian American advocates by derisively referring to the coronavirus as the “China virus” repeatedly and using other inflammatory terms.

Hate crimes against Asians and Asian Americans more than doubled in the first quarter of 2021 compared with the same period last year, according to a report by the Center for the Study of Hate and Extremism at California State University, San Bernardino.

However, advocates say those figures vastly undercount the actual number of hate crimes and bias incidents, something the law is intended to address.¹

3. L.A. vs. Hate Initiative

The County of Los Angeles Board of Supervisors, the LA County Department of Workforce Development, Aging and Community Services (WDACS), and the Commission on Human Relations jointly announced the launch of the “L.A. vs Hate” initiative to report and end incidents of hate and hate crimes in LA County. This announcement comes as 211-LA continues to receive reports of hate – from January through July 2020, 256 total calls reporting hate, including 27 calls as a result of COVID-19 – and is part of a multi-year mission by the Board of Supervisors to end acts of hate in the County.

...

The strategies and programs offered by the network partner agencies reflect deep experience in serving a wide range of diverse County residents, including those vulnerable communities who are particularly targeted for hate acts in the largest number of 211 calls: youth of color, immigrants, disabled youth, and since COVID-19 related backlash, Asian-Americans. Some of the network partner agencies include the Anti-Defamation League; Antelope Valley Partners for Health; Asian Pacific Policy & Planning Council; Coalition for Humane Immigrant Rights of L.A. (CHIRLA); Hate Violence Prevention Partnership of L.A. (includes Bienestar, Brotherhood Crusade, California Conference for Equality & Justice, and Muslim Public Affairs Council); Not In Our Town; and San Fernando Valley Community Mental Health Center, Inc.

Individuals reporting to 211-LA may choose to report anonymously. Callers are also offered the option to be referred to follow up services including legal aid, trauma counseling, and advocacy support. In the first six months of this year, 87% of residents calling 211-LA to report hate requested follow up services.²

4. Argument in Support

According to the Office of Lieutenant Governor Eleni Kounalakis in a letter of support:

Unfortunately, most hate crimes go unreported to law enforcement. A Federal Bureau of Justice report found that more than 50 percent of hate crimes between 2011 and 2015 were not reported. Despite low rates of reporting, data from the California Department of Justice reveals over 1,000 hate crimes were reported in

¹ <https://www.politico.com/news/2021/05/20/biden-anti-asian-hate-crimes-bill-489936>

² <https://wdacs.lacounty.gov/la-county-announces-launch-of-l-a-vs-hate-initiative-to-report-and-end-hate-by-calling-2-1-1/>

California in 2018 alone. That same data shows that hate crimes involving bias against someone who is Jewish has increased by 21.2 percent and hate crimes involving bias against someone who is Latino increased by 18.3 percent. Anti-Asian rhetoric surrounding the COVID-19 pandemic has led to a dramatic spike in verbal and physical assaults against Asian Americans in the past year. According to Stop AAPI Hate, over 2,800 anti-Asian hate incidents have occurred nationwide since February 2020 with over 1,200 of those occurring in California.

AB 557 will provide a critical avenue for hate crime reporting and connect victims to local resources and support services in their community. This model has been successfully adopted in San Francisco, Alameda and the states of Massachusetts and New York. In face of increasing incidents of racially motivated acts of hate and violence, we must reaffirm California's commitment to receiving and recording all available data on hate crimes to best protect the most vulnerable members of our community.

5. Author Amendments

The author plans to take the following amendments in committee:

The Community Based Organizations will:

- 1) Receive and collect reports of hate crimes and hate incidents.
- 2) Notify reporters that personally identifiable information will not be shared with local, state, or federal law enforcement, including immigration enforcement, unless the reporter gives permission.

This bill will:

- 1) Make sure that "hate incidents" are included alongside hate crimes wherever relevant
- 2) Define hate incidents with language provided by the Anti-Defamation League:
 - A hate incident is an action or behavior motivated by hate but legally protected by the First Amendment right to freedom of expression.
 - Including: name-calling, insults, distributing hate material in public places, and displaying hate material on your own property.
- 3) Clarify that the hotline/reporting form are "subject to appropriation of state and federal funds"

-- END --