
THIRD READING

Bill No: AB 557
Author: Muratsuchi (D) and Chiu (D), et al.
Amended: 9/3/21 in Senate
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 5-0, 7/6/21
AYES: Bradford, Ochoa Bogh, Kamlager, Skinner, Wiener

SENATE APPROPRIATIONS COMMITTEE: 5-0, 8/26/21
AYES: Portantino, Bradford, Kamlager, Laird, McGuire
NO VOTE RECORDED: Bates, Jones

ASSEMBLY FLOOR: 79-0, 6/1/21 - See last page for vote

SUBJECT: Hate crimes: hotline

SOURCE: Author

DIGEST: This bill requires the Department of Fair Housing and Employment to provide grant funds to community organizations and other local governmental agencies with the purpose of those specified entities operating hate crimes and hate incident telephone hotlines.

Senate Floor Amendments of 9/3/21 establish guidelines for recipients of the grant funds and specify the definition of a “hate incident.”

ANALYSIS:

Existing law:

- 1) 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).)

- 2) 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.)
- 3) 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).)
- 4) 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:

- 1) Requires the Department of Fair Employment and Housing (DFEH), subject to the Budget, to provide grants to community based organizations (CBOs) and local agencies, other than law enforcement agencies, to fund local public telephone hotlines and online reporting portals for the purpose of:
 - a) Reporting hate crimes and hate incidents;
 - b) Connecting people who have experienced or witnessed a hate crime or hate incident to other appropriate local resources; and,
 - 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.
- 2) 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.

- 3) Provides the CBOs receiving these grants represent targeted communities, including, without limitation, Asian and Pacific Islander, Black, Latino, Jewish, LGBTQ, and Muslim communities.
- 4) Requires the DFEH to do both of the following:
 - a) Collaborate with grant recipients and the Department of Justice (DOJ) to develop uniform intake forms and online submission forms; and,
 - b) Provide standardized training to, and in collaboration with, grant recipients regarding the intake, response to, and review of, hate crimes and related incidents.
- 5) Requires grant recipients to do the following:
 - a) 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 written permission; and,
 - b) Provide statistical data regarding hate crimes and related incidents reported to them to the Department of Justice (DOJ), in the form and at intervals prescribed by DOJ. This data shall not include any personally identifiable data regarding victims or reporting parties.
- 6) States the department may, in addition to providing grants, utilize funds to establish and operate a telephone hotline and online reporting portal described in this section by the department.
- 7) States the DOJ shall compile information and annually prepare a report on hate crimes and hate incidents reported to local hotlines and internet portals.
- 8) States the report shall be made available to the public on the Department of Justice's internet website no later than 30 days after the report is completed.
- 9) Defines a "hate incident" as an action or behavior, motivated, in whole or in part, by an actual perceived characteristic of another person described in Section 422.55 of the Penal Code.

Background

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.

Anti-Asian Hate Crime Legislation

According to an article in Politico:

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.

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

L.A. vs. Hate Initiative

According to an article on the website of Los Angeles County Workforce Development, Aging & Community Services:

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.

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

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

According to the Senate Appropriations Committee:

- Unknown, potentially-major cost pressures in the millions of dollars to fund hate incident-related grants to CBOs and local government agencies. (General Fund)
- DFEH reports ongoing annual costs of \$2 million (and 13.0 new PY) if the community grants are for \$10 million annually. The department currently does not have grantmaking capabilities and, therefore, would need to staff up in terms of both subject matter experts, administrative, information technology, and communications center staff. (General Fund)

SUPPORT: (Verified 9/5/21)

Office of Lieutenant Governor Eleni Kounalakis
 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
 County of San Mateo
 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
 Los Angeles County Board of Supervisors
 Los Angeles Mayor Eric Garcetti
 San Francisco Bay Area Rapid Transit District
 Santa Barbara Women's Political Committee
 Sikh Coalition
 Sustainable Food Policy Alliance
 The Arc and United Cerebral Palsy California Collaboration

OPPOSITION: (Verified 9/5/21)

None received

ARGUMENTS 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 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.

ASSEMBLY FLOOR: 79-0, 6/1/21

AYES: Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Berman, Bigelow, Bloom, Boerner Horvath, Bryan, Burke, Calderon, Carrillo, Cervantes, Chau, Chen, Chiu, Choi, Cooley, Cooper, Cunningham, Megan Dahle, Daly, Davies, Flora, Fong, Frazier, Friedman, Gabriel, Gallagher, Cristina Garcia, Eduardo Garcia, Gipson, Lorena Gonzalez, Gray, Grayson, Holden, Irwin, Jones-Sawyer, Kalra, Kiley, Lackey, Lee, Levine, Low, Maienschein, Mathis, Mayes, McCarty, Medina, Mullin, Muratsuchi, Nazarian, Nguyen, O'Donnell, Patterson, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Seyarto, Smith, Stone, Ting, Valladares, Villapudua, Voepel, Waldron, Ward, Akilah Weber, Wicks, Wood, Rendon

Prepared by: Kapri Walker / PUB. S. /
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