Date of Hearing: August 16, 2023

ASSEMBLY COMMITTEE ON APPROPRIATIONS
Chris Holden, Chair
SB 403 (Wahab) – As Amended July 10, 2023

Policy Committee: Judiciary Vote: 9 - 0

Urgency: No State Mandated Local Program: No Reimbursable: No

SUMMARY:

This bill adds definitions to several antidiscrimination statutes to make clear that discrimination based on caste is a prohibited form of ancestry discrimination.

Specifically, this bill adds “ancestry” as a protected characteristic under the Education Code, and adds the following definitions to the Unruh Civil Rights Act, the Fair Employment and Housing Act, and the Education Code, which prohibit discrimination based on specified protected characteristics:

1) “Ancestry” includes, but is not limited to, lineal descent, heritage, parentage, caste, or any inherited social status. Nothing precludes a person from alleging discrimination on the basis of ancestry in combination with discrimination based upon other protected characteristics.

2) “Caste” means an individual’s perceived position in a system of social stratification on the basis of inherited status. “A system of social stratification on the basis of inherited status” may be characterized by factors that may include, but are not limited to, inability or restricted ability to alter inherited status; socially enforced restrictions on marriage, private and public segregation, and discrimination; and social exclusion on the basis of perceived status.

FISCAL EFFECT:

Minor state costs, if any. As discussed below, discrimination on the basis of caste is already prohibited under California law. The Civil Rights Department (CRD) reports that it receives and processes relatively few complaints expressly related to caste discrimination and expects any increase in complaints resulting from this bill to be absorbable by the department.

COMMENTS:

1) Purpose. According to the author:

Caste systems exist across the globe and have a long-standing existence in California that predates the waves of migration from South Asia. In my district, I continue to hear about caste discrimination experienced by Dalit women—which affirms the importance of this bill. Adding “caste” to “ancestry” brings clarity to the law, reduces the inequitable application of the law, and empowers individuals experiencing caste discrimination. Depending on an
individual’s primary language and cultural background, they may use a word other than caste to describe their experience; however, the word we use in the English-language to describe a system of social stratification is caste. That is why the inclusion of that word is important; it has a meaning.

2) **Background.** California has a robust network of laws protecting against discrimination. The Unruh Civil Rights Act, the Fair Employment and Housing Act (FEHA), and provisions of the Education Code prohibit discrimination on the basis of certain protected characteristics. The lists of characteristics protected by each of these laws are not identical, but are quite similar, and include sex, race, color, religion, national origin, disability, medical condition, and sexual orientation. These statutes prohibit discrimination on the basis of the protected characteristics by private businesses open to the public; in employment, housing, and participation in state-funded programs; and in any program or activity conducted by an educational institution that receives, or benefits from, state financial assistance, or enrolls pupils who receive state student financial aid. Both the Unruh Civil Rights Act and FEHA prohibit discrimination on the basis of ancestry. This bill adds “ancestry” to the list of protected characteristics contained in the Education Code, and adds definitions of “ancestry” and “caste” to all three statutes. The bill’s legislative findings state that these changes are declaratory of and clarify existing law.

As detailed in the thoughtful analysis of this bill by the Assembly Judiciary Committee, this bill seeks to address numerous complaints of caste-based discrimination in California, which has proliferated particularly in educational institutions and the tech industry. Although caste-based discrimination is already prohibited under California law through a combination of protections for ancestry, national origin, ethnicity, color, and race, supporters of this bill have expressed a pressing need to explicitly prohibit such discrimination in statute. CRD already receives and handles complaints and litigation pertaining to caste-based discrimination; since this bill does not add new duties for CRD, the department does not anticipate an increase in workload resulting from the bill. However, if the attention brought to this issue by the bill results in a significant increase in caste discrimination complaints submitted to CRD, the department may need to request additional resources in the future.

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