

Date of Hearing: March 3, 2026

Counsel: Dustin Weber

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Nick Schultz, Chair

AB 1535 (Davies) – As Introduced January 5, 2026

**As Proposed to be Amended in Committee**

**SUMMARY:** States that circumstances underlying any felony that are motivated by the victim’s political affiliation may be considered as aggravating factors during sentencing. Specifically, **this bill:**

- 1) Defines “political affiliation” as the state of belonging to a political party, the endorsement of a political party or a platform of a political party, or the endorsement of a politician or a platform of a politician.

**EXISTING LAW:**

- 1) States that when a judgment of imprisonment is to be imposed and the statute specifies three possible terms, the court shall, in its sound discretion, order imposition of a sentence not to exceed the middle term, except as provided.
  - a) The court may impose a sentence exceeding the middle term only when there are circumstances in aggravation of the crime that justify the imposition of a term of imprisonment exceeding the middle term and the facts underlying those circumstances have been stipulated to by the defendant or have been found true beyond a reasonable doubt at trial by the jury or by the judge in a court trial.
  - b) The court shall set forth on the record the facts and reasons for choosing the sentence imposed. The court may not impose an upper term by using the fact of any enhancement upon which sentence is imposed under any provision of law.
  - c) Unless the court finds that the aggravating circumstances outweigh the mitigating circumstances that imposition of the lower term would be contrary to the interests of justice, the court shall order imposition of the lower term if any of the following was a contributing factor in the commission of the offense:
    - i) The person has experienced psychological, physical, or childhood trauma, including, but not limited to, abuse, neglect, exploitation, or sexual violence.
    - ii) The person is a youth or was a youth as defined at the time of the commission of the offense.
    - iii) Prior to the instant offense, or at the time of the commission of the offense, the person is or was a victim of intimate partner violence or human trafficking.

- d) Certain defined requirements do not preclude the court from imposing the lower term even if there is no evidence of those circumstances present. (Pen. Code, § 1170, subd. (b).)
- 2) States that, except as specified, any hate crime that is not made punishable by imprisonment in the state prison shall be punishable as a wobbler, or by a fine not to exceed ten thousand dollars (\$10,000), or by both that imprisonment and fine, if the crime is committed against the person or property of another for the purpose of intimidating or interfering with that other person's free exercise or enjoyment of any right secured to him or her by the Constitution or laws of this state or by the Constitution or laws of the United States under any of the following circumstances, which shall be charged in the accusatory pleading:
    - a) The crime against the person of another either includes the present ability to commit a violent injury or causes actual physical injury.
    - b) The crime against property causes damage in excess of nine hundred fifty dollars (\$950).
    - c) The person charged with a crime under this section has been convicted previously of a defined violation. (Pen. Code, § 422.7.)
  - 3) Establishes that, except where the court imposes additional, defined punishment, the fact that a person committed a felony or attempted to commit a felony that is a hate crime shall be considered a circumstance in aggravation of the crime in imposing a determinate sentence. (Pen. Code, § 422.76.)
  - 4) Defines hate crimes 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:
    - a) Disability.
    - b) Gender.
    - c) Nationality.
    - d) Race or ethnicity.
    - e) Religion.
    - f) Sexual orientation.
    - g) Association with a person or group with one or more of these actual or perceived characteristics. (Pen. Code, § 422.5, subd. (a)(1)-(7).)
  - 5) Defines "association with a person or group with one or more of these actual or perceived characteristics" as including advocacy for, identification with, or being on the premises 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 the characteristics listed in the definition of “hate crime,” as specified. (Pen. Code, § 422.56, subd. (a).)

- 6) Defines “in whole or in part because of” as meaning 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. (Pen. Code, § 422.56, subd. (d).)
- 7) Defines “victim” as including, 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, subd. (i).)

**FISCAL EFFECT:** Unknown

**COMMENTS:**

- 1) **Author's Statement:** According to the author, “Our nation was founded on political freedoms, however, political violence is detrimental to our democracy and shouldn’t be tolerated. Leaders are required to cool the temperature, not fan the flames. AB 1535 isn’t just about protecting Californians; it’s about a cultural reset. It’s a commitment to the idea that every Californian has the right to their political views without fear of being targeted by those who see them as an enemy rather than a neighbor. This measure ensures that our justice system recognizes political violence for exactly what it is: a hate-motivated crime.”
- 2) **Effect of the Bill:** This bill would include crimes motivated by a victim’s actual or perceived political affiliation as a possible circumstance in aggravation for sentencing.

Political violence is a growing problem in the United States.<sup>1</sup> We have witnessed increasing incidents of unprovoked political violence, especially over the past five years.<sup>2</sup> From an insurrection at the United States Capitol on January 6, 2021, motivated in significant part by the loser of a presidential election, to the horrifying murders of Charlie Kirk, Melissa Hortman, and Alex Pretti,<sup>3</sup> political violence continues to shock the conscience and threaten to destroy the great American experiment in self-government.

This bill intends to help stem the rising tide of political violence. By including political affiliation-motivated violence as an aggravating factor in sentencing, this bill likely will

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<sup>1</sup> Kleinfeld, R. *The Rise of Political Violence in the United States* (Oct. 2021) Journal of Democracy <<https://www.journalofdemocracy.org/articles/the-rise-of-political-violence-in-the-united-states/>> [as of Feb. 20, 2026].

<sup>2</sup> Kornberg, M. *Political Violence Is Distorting American Lawmaking* (Nov. 2025) Brennan Center for Justice <<https://www.brennancenter.org/our-work/analysis-opinion/political-violence-distorting-american-lawmaking>> [as of Feb. 20, 2026].

<sup>3</sup> See Webb, S. *Timeline: A look at other major political violence attacks in the US* (Sep. 2025) ABC KOAT 7 <<https://www.koat.com/article/charlie-kirk-political-violence-united-states/66054815>>; ICE expansion has outpaced accountability. *What are the remedies?* (Jan. 2026) Brookings Institution <https://www.brookings.edu/articles/ice-expansion-has-outpaced-accountability-what-are-the-remedies/> [as of Feb. 20, 2026].

produce some longer confinement terms. This bill provides discretionary authority to increase sentence lengths in cases of political motivated violence. The authority therefore is permissive, not mandatory, so prosecutors and courts can decide whether an individual case warrants application of that authority. Since that authority is nonbinding, the potential impact on the lengths and costs of incarceration should be reduced relative to a law that mandates a sentence enhancement. Including political affiliation as an aggravating factor will not be automatic. It will require prosecutors pleading and proving criminal motivation due to political affiliation and the trier of fact finding that factor beyond a reasonable doubt. (See Pen. Code, § 1170; *Apprendi v. New Jersey* (2000) 530 U.S. 466.)

The urge to do something to address increased political violence is understandable, even if it is unclear whether the risk of longer sentences in this context will ultimately reduce acts of politically motivated violence. Data suggests that Americans largely disapprove of political violence.<sup>4</sup> One poll found 87% of Americans saying political violence is a problem, while only 11% said political violence is either *not* a problem or not much of a problem.<sup>5</sup> This same poll found 72% of Americans sharing that political violence is never justified with 11% again stating that political violence can be justified.<sup>6</sup> While the poll found some variation in attitudes based on the respondent's age or political identity, majorities in all cases said that political violence is at least somewhat of a problem and that political violence cannot be justified.<sup>7</sup>

Even in what seems like a highly politically charged era,<sup>8</sup> American attitudes towards political violence appear relatively steadfast. While this is encouraging, political violence is an issue that has been publicly addressed from the genesis of the Republic by some of our country's historic figures. President Abraham Lincoln captured this feeling living through a politically charged era, during the Civil War, when he said, "The dogmas of the quiet past, are inadequate to the stormy present. The occasion is piled high with difficulty, and we must rise – with the occasion. As our case is new, so we must think anew, and act anew. We must disenthrall *ourselves*, and then we shall save our country."<sup>9</sup>

George Washington cautioned us of the potentially dangerous impact of factionalism. In this context, he said, "[t]he alternate domination of one faction over another, sharpened by the spirit of revenge . . . is itself a frightful despotism."<sup>10</sup> Washington understood what research has borne out over the proceeding centuries. Factionalism and political violence beget one another, cyclically inflaming each other and creating dangerous risks capable of consuming the stability of states.<sup>11</sup>

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<sup>4</sup> Montgomery, D. What Americans really think about political violence (Sep. 2025) YouGov US <<https://today.yougov.com/politics/articles/52960-charlie-kirk-americans-political-violence-poll>> [as of Feb. 20, 2025].

<sup>5</sup> *Ibid.*

<sup>6</sup> *Ibid.*

<sup>7</sup> See *ibid.*

<sup>8</sup> See *id.* at "How united or divided is the country at present?" (Finding 62% of Americans expressing the view that the country is "very divided".)

<sup>9</sup> Abraham Lincoln's Annual Message to Congress (Dec. 1, 1862) Collected Works of Abraham Lincoln <<https://www.abrahamlincolnonline.org/lincoln/speeches/congress.htm>> [as of Feb. 20, 2026] (italics added).

<sup>10</sup> George Washington Farewell Address (Sep. 19, 1796) <<https://founders.archives.gov/>> [as of Feb. 20, 2026].

<sup>11</sup> See, e.g., Meyer, C. *Perceived Political Violence Risks Push Factions Toward Preemptive Retaliation, Researchers Warn* (Sep. 2025) Security Management <<https://www.asisonline.org/security-management->

Political violence is a significant concern facing the country. Addressing this concern is an important consideration if we are to secure for ourselves, and for posterity, the continued public safety, public health, and constancy of the country. While it is uncertain whether this bill will ultimately help slow our rising rates of political violence, AB 1535 appears to be an earnest effort to generate such improvement.

- 3) **The First Amendment:** This bill intends to allow for crimes committed due to the victim's political affiliation to serve as an aggravating factor in the defendant's sentencing. Because this bill would create a restriction on potentially content-based speech it could trigger First Amendment scrutiny.

The First Amendment protects an individual's right to, among other things, free speech and expression. (U.S. Const. amend. I.) Not all restrictions on speech are violative of the First Amendment, however, certain prohibitions can trigger First Amendment review. Generally, language in laws that distinguish favored speech from disfavored speech . . . are content based. (*Reed v. Town of Gilbert* (2015) 576 U.S. 155.) Laws that cannot be supported "without reference to the content of the regulated speech" may be considered content based. (*Id.* at p. 155.) Laws that create benefits or burdens on speech without reference to the views expressed, however, are largely considered content neutral. (*Clark v. Community for Creative Non-Violence* (1984) 468 U.S. 288, 293.)

The Court has identified three types of constitutionally permissible content discrimination. (*R.A.V. v. St. Paul* (1992) 505 U.S. 377.) First, "[w]hen the basis for the content discrimination consists entirely of the very reason the entire class of speech at issue is proscribable, no significant danger of idea or viewpoint discrimination exists." (*Id.* at p. 388.) Second, differential treatment of content-based speech is valid where the subclass of speech "happens to be associated with particular 'secondary effects' of the speech," so that the restriction can be supported without reference to its content. (*Id.* at p. 389.) The third category operates as a catchall where a content-neutral justification may be unnecessary because the law's selectivity is such that the nature of the content discrimination creates "no realistic possibility that official suppression of ideas is afoot." (*Id.* at p. 390.) Where the government does not target conduct based on its expressive content, acts are not shielded from regulation merely because they express a discriminatory idea or philosophy. (*Id.* at p. 389-90.)

AB 1535 does not appear to reference the content of speech in its language, which could remove the bill from the ambit of the First Amendment. An argument could be made that the bill is restricting expression of all ideas, as perceived political affiliation could apply to almost anything done or said by the victim, thereby violating the First Amendment. This seems reductive and practically inapplicable. Because the bill provides for only the possibility of additional *punishment* in connection with a crime that is motivated by a person's political affiliation, it is arguably only regulating unlawful conduct, not speech.

The bill could fall in the catchall exception because any potential speech discrimination in the law would create no realistic possibility that the law is attempting to suppress ideas. This, too, would remove the bill from First Amendment oversight. If every political affiliation is “protected” so that a defendant who commits a political affiliation-motivated crime is subject to a potentially longer sentence, then it is difficult to imagine any risk that the bill will ultimately suppress the marketplace of ideas. AB 1535 also does not appear to be selective in the content of any potential acts of speech or expression. AB 1535 additionally does not appear to target any disfavored idea or group but instead intends to discourage the commission of criminal acts motivated by the defendant’s own disfavor of the victim’s idea or political alignment.

While the defendant’s own expressive disfavor of the victim’s affiliation is protected under the First Amendment, when that disagreement prompts a criminal act against the victim, that conduct almost certainly would fall outside First Amendment bounds. As the Supreme Court held, “[a]s speech strays further from the values of persuasion, dialogue and free exchange of ideas the First Amendment was designed to protect, and moves toward threats made with specific intent to perform illegal acts, the state has greater latitude to enact statutes that effectively neutralize verbal expression.” (*Watts v. United States* (1969) 394 U.S. 705.) For example, genuine threats of violence where the victim perceives a true threat of harm being done to them is not protected by the First Amendment. (*Counterman v. Colorado* (2023) 600 U.S. 66.)

Laws that do not punish disfavored ideas but instead punish only conduct, however, do not always dispose of a First Amendment challenge. (*Wisconsin v. Mitchell* (1993) 508 U.S. 476, 484.) Though some conduct qualifies as expressive, courts reject the view that an unlimited array of conduct can be labeled speech when the speaker engages in conduct intending to express an idea. (*Ibid.*) A physical assault is not expressive conduct protected by the First Amendment. (*Ibid.*, see also *Roberts v. United States Jaycees* (1984) 468 U.S. 609, 628 [violence or other potentially expressive activities that produce unique harms apart from their communicative impact . . . are not entitled to constitutional protection]; *NAACP v. Claiborne Hardware Co.* (1982) 458 U.S. 886, 916 [“The First Amendment does not protect violence.”].)

A Wisconsin statute that provided for a possible sentence enhancement, in cases where the defendant’s motive for harming the victim was racial animus, survived constitutional scrutiny. (*Wisconsin v. Mitchell* (1993) 508 U.S. 476.) The Court offered numerous reasons sustaining the law against a First Amendment challenge. Sentencing judges have considered a wide variety of factors in what sentence to impose on a convicted defendant, which includes motive for committing the offense. (*Id.* at pp. 484-85.) It is similarly true that a defendant’s abstract beliefs, however odious, may not be taken into consideration by a sentencing judge. (*Dawson v. Delaware* (1992) 503 U.S. 159.) The Court in this context emphasized though that “the Constitution does not erect a *per se* barrier to the admission of evidence concerning one’s beliefs and associations at sentencing simply because those beliefs and associations are protected by the First Amendment.” (*Ibid.*)

The Court further noted the importance of the Wisconsin Legislature legislating that bias-motivated offenses warrant potentially greater maximum penalties because the primary responsibility for fixing criminal penalties lies with the legislature. (*Wisconsin, supra*, at p.

486.) Also important was the First Amendment does not proscribe the evidentiary use of speech to establish elements of a crime or to prove intent. (*Id.* at pp. 489-90.) Moreover, the Court found Wisconsin's interest in this law is valid because the enhancement-eligible conduct at issue is thought to inflict greater individual and societal harm. (*Id.* at pp. 487-88.) The State, for example, argued bias-motivated crimes are more likely to provoke retaliatory crimes, inflict distinct emotional harms on their victims, and incite community unrest. (*Ibid.*)

The Court rejected the argument that the statute was overbroad and thus, created a chilling effect on speech. (*Id.* at p. 488.) In disposing of this argument the Court wrote,

We must conjure up a vision of a Wisconsin citizen suppressing his unpopular bigoted opinions for fear that if he later commits an offense covered by the statute, these opinions will be offered at trial to establish that he selected his victim on account of the victim's protected status, thus qualifying him for penalty enhancement . . . . This is simply too speculative a hypothesis to support an overbreadth claim. (*Id.* at pp. 488-89.)

Courts have historically given robust protection to laws that infringe on an individual's First Amendment rights. But those protections are not absolute. Courts have consistently made room for various ways to regulate in this space. Given that this bill most directly regulates criminal conduct by providing for the possibility of a longer confinement term, does not single out specific groups for different restrictions or penalties, and arguably does not even strike at the First Amendment, there appears only a limited risk of the bill failing constitutional scrutiny.

- 4) **The Ralph Civil Rights Act:** While this bill regulates in the criminal space, there is precedent for California protecting individuals from certain types of discrimination in the civil space, including protections for political affiliation.

The Ralph Act states that “[a]ll persons within the jurisdiction of [California] have the right to be free from any violence, or intimidation by threat of violence, committed against their persons or property because of political affiliation . . . or because another person perceives them to have one or more of those characteristics . . . .” (Civ. Code, § 51.7, subd. (b)(1).) The law notes that speech alone cannot support an action, except if all of the following are demonstrated: 1) the speech threatens violence against a specific person or group, 2) the person or group reasonably fears that, because of the speech, violence will be committed against them or their property, 3) the speaker is acting in reckless disregard for the threatening nature of their speech, and 4) the speaker has the apparent ability to carry out the threat. (Civ. Code, § 51.7, subd. (e)(1)(A)-(D).)

Under the Ralph Act, a plaintiff must establish the defendant threatened or committed violent acts against them or their property, where at least one of the motivating reasons was a prohibited discriminatory motive, or that the defendant aided, incited, or conspired in the denial of the victim's exercise of a protected right. (*Gabrielle A. v. County of Orange* (2017) 10 Cal.App.5th 1268, 1291.) A threat of violence under the Ralph Act requires showing at least some expression of intent to injure or damage the plaintiffs or their property. (*Ramirez v. Wong* (2010) 188 Cal.App.4th 1480.)

The Ralph Act is not considered a hate crimes statute, even though the law was at least partly enacted due to a rise in hate crimes. (*Winarto v. Toshiba Am. Elecs. Components, Inc.* (9th

Cir. 2001) 274 F.3d 1276, 1289.) There is no requirement that “the violence be extreme or motivated by hate in the plain language of the sections, or in the cases construing them. There is no requirement that the act constitute a crime.” (*Ibid.*) The Legislature could have limited the law’s application to extreme acts of violence, but instead it created civil liability which sweeps more broadly than a hate crime. (*Ibid.*)

There are apparently only limited cases where potential First Amendment conduct intersected with the Ralph Act’s protection against political affiliation discrimination. One case involved a student walkout to protest the government’s immigration actions. (*Corales v. Bennett* (9th Cir. 2009) 567 F.3d 554, 563.) While the court in this case granted that the student walkout was done for “expressive purposes,” they found the school’s disciplinary action against the students was content neutral because the punishment was for leaving campus and causing disruption to the school’s activities, not for the content of their expressive conduct (*Id.* at p. 568.) The punishment, in other words, was valid because it was done in response to the unprotected activity of leaving campus without authorization, not for the protected activity of protesting government action. (*Ibid.*) Similarly, AB 1535 would provide discretionary authority to increase punishment not for a defendant’s expressive conduct, but for their criminal conduct.

In another case, a court of appeal found that an animal rights activist who was threatened with arrest by a law enforcement officer could not sustain a claim for violation of the Ralph Act based on political affiliation because the threat of arrest alone fell short of an intent to injure her or damage her property. (*Animal Protection & Rescue League, Inc. v. County of Riverside* (2025) 111 Cal.App.5th 914, 919-20.) The court, however, appeared to assume, without necessarily deciding, the animal rights activist was engaged in protected First Amendment conduct and that her activism could be interpreted as a political affiliation. (See *id.* at pp. 919-21.) The court dismissed the Ralph Act claim though, because the officer’s threat to arrest her trespassing was ultimately insufficient to show intent or actual damage to person or property. (*Id.* at p. 919.)

While a direct comparison between the Ralph Act and AB 1535 would be inapt, evaluating whether courts have upheld a First Amendment challenge against a Ralph Act violation could be illustrative of what drives the analyses under these laws. Understanding what drives the analyses in these civil cases could illuminate concerning potential applications, even in the context of a criminal case. Nothing about the admittedly limited cases available, however, appears to suggest obvious concerns for how this bill may be applied if made into law.

- 5) **Impact of Increased Penalties on Criminal Deterrence:** This bill would increase at least some confinement terms.

It is unclear whether increasing penalties has a deterrent effect. There is reliable evidence showing increased penalties generally fails to deter criminal behavior.<sup>12</sup> Data shows greater deterrent effects as the likelihood of being caught and the perception that one will get caught

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<sup>12</sup> *Five Things About Deterrence* (May 2016) National Institute of Justice  
<<https://www.ojp.gov/pdffiles1/nij/247350.pdf>> [as of Feb. 20, 2026].

rises.<sup>13</sup> In contrast, the act of punishment and the length of punishment largely do not increase deterrence.<sup>14</sup>

With evidence also showing that increasing criminal fines increases felony recidivism, specifically among a population that historically has faced inexplicably disproportionate punishment in the criminal justice system,<sup>15</sup> it remains questionable whether increasing criminal punishment, as this bill does, would produce the desired impact.

6) **Argument in Support:** None submitted.

7) **Argument in Opposition:** According to the *Ella Baker Center for Human Rights*, “Under existing law, the criteria for proving a crime as a hate crime are clear. The prosecution must prove, beyond a reasonable doubt, that the crime was committed, in whole or in part, because of one or more of the actual or perceived characteristics of the victim listed in Penal Code §422.55 (a). By adding “political affiliation” as an additional protected characteristic, AB 1535 (Davies) would broaden the hate crime statute unnecessarily, encompassing a wide range of offenses that are not motivated by bias against any particular political group. The mere expression of dislike or disagreement with someone’s political views does not equate to an intent to cause bodily harm and should not be construed as intimidation.

“Furthermore, this bill raises serious First Amendment concerns. The expression of political disagreement with another person should not be construed as bias-motivated conduct, particularly in the absence of any demonstrated intent to cause harm. While we recognize that the requirement that bias be tied directly to the commission of a criminal act can sometimes make it difficult to prosecute an alleged hate crime, this difficulty is the necessary price of protecting the free speech rights of all Californians. The government should not penalize people for their beliefs.

“Finally, AB 1535 undermines the purpose and integrity of California’s protections against hate crimes. Expanding this framework to include a political affiliation diminishes the historical and ongoing realities of bias-motivated violence faced by protected communities.”

8) **Related Legislation:**

a) AB 1545 (Krell) would provide enhanced penalties for the commission of an offense that is a targeted attack on a person who is reasonably identifiable as a journalist, as defined, or on property reasonably identifiable as belonging to a journalist or the entity that journalist represents. AB 1545 is pending in the Assembly Public Safety Committee.

b) AB 1966 (Ramos) would require the court to impose an additional and consecutive 2-year term of state imprisonment for individuals convicted of committing a qualifying crime, as specified, against a person who is an undocumented individual. AB 1966 is

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<sup>13</sup> *Ibid.*

<sup>14</sup> *Ibid.*

<sup>15</sup> Giles, *The Government Revenue, Recidivism, and Financial Health Effects of Criminal Fines and Fees* (Sept. 9, 2023) Wellesley College <<http://dx.doi.org/10.2139/ssrn.4568724>> (showing that the increase in fines levied for criminal punishment increased the likelihood of felony recidivism, especially among Black defendants) [as of Feb. 20, 2025].

pending referral.

**9) Prior Legislation:**

- a) SB 497 (Wiener), Chapter 764, Statutes of 2025, among other things, prohibits a provider of health care, a health care service plan, or a contractor from releasing medical information related to a person seeking or obtaining gender-affirming health care or gender-affirming mental health care in response to a criminal or civil action, including a foreign subpoena, based on another state's law that interferes with an individual's right to seek or obtain gender-affirming health care or gender-affirming mental health care.
- b) AB 89 (Sanchez), of the 2025-2026 Legislative Session, would have required the California Interscholastic Federation to amend its constitution, bylaws, and policies to prohibit a pupil whose sex was assigned male at birth from participating on a girls' interscholastic sports team. AB 89 failed passage in the Arts, Entertainment, Sports, and Tourism Committee.
- c) AB 2604 (Low), of the 2023-2024 Legislative Session, would have specified that discriminatory selection of a victim because of a protected characteristic is a type of bias motivation for purposes of determining whether the crime was committed, in whole or in part, because of the protected characteristic. AB 2604 did not receive a hearing in this committee.
- d) AB 2603 (Low), of the 2023-2024 Legislative Session, would have authorized a search warrant to be issued on the grounds that the property or things to be seized consists of evidence that tends to show that certain misdemeanor hate crimes have occurred or are occurring, as defined. AB 2603 did not receive a hearing in this committee.
- e) AB 1064 (Low), of the 2023-2024 Legislative Session, would have redefined a hate crime as a criminal act that is motivated in whole or in part by a bias against one or more of the protected characteristics. The bill would define "bias against" and would specify that evidence of bias motivation may include, among other things, selectively targeted the victim based on the actual or perceived characteristic of the victim. AB 1064 was held in the Assembly Appropriations Committee.
- f) AB 449 (Ting), Chapter 524, Statutes of 2023, makes adoption of a hate crimes policy by a state and local law enforcement agency mandatory by July 1, 2024, and required those policies to include the supplemental hate crime report in the model policy framework developed by the commission and a schedule of hate crime or related trainings the agency conducts.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

1 individual

**Opposition**

ACLU California Action

California Public Defenders Association

Californians United for a Responsible Budget

Ella Baker Center for Human Rights

Initiate Justice

Legal Services for Prisoners With Children / All of US or None

Local 148 LA County Public Defenders Union

San Francisco Public Defender

Smart Justice California, a Project of Beyond Impact

**Analysis Prepared by:** Dustin Weber / PUB. S. / (916) 319-3744