

Date of Hearing: May 6, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

AB 2064 (Sharp-Collins) – As Amended April 9, 2026

Policy Committee: Judiciary

Vote: 7 - 3

Urgency: No

State Mandated Local Program: No

Reimbursable: No

SUMMARY:

This bill adds “criminal history” to the list of protected characteristics under the Fair Employment and Housing Act (FEHA) and the Unruh Civil Rights Act.

Specifically, this bill:

- 1) Defines “criminal history” under the Unruh Civil Rights Act to mean a documented record of criminal offenses for which a person has been arrested, charged, convicted, incarcerated, or referred to a pretrial or posttrial diversion program.
- 2) Defines “criminal history” under FEHA to include any record of an individual’s involvement with the state or federal criminal legal system, including being arrested, charged, convicted, records that have been sealed, pardoned, dismissed, expunged, statutorily eradicated, set aside, or otherwise resolved, as well as referral to a pretrial or posttrial diversion program or any juvenile court adjudication or action.
- 3) Specifies that including criminal history as a protected characteristic does not prohibit an employer from denying employment or terminating an employee if the employer determines, based on an individualized assessment under the Fair Chance Act, that the criminal history disqualifies the person from the position, provided the employer gives written notice and allows at least five business days to respond.

FISCAL EFFECT:

- 1) Significant costs to the Civil Rights Department (General Fund) for increased complaint intake, investigation, and enforcement activity across both the employment and housing contexts, given the broad definition of “criminal history” — which encompasses arrests, charges, convictions, sealed or expunged records, juvenile adjudications, and diversion referrals. CRD notes that an estimated 8 million Californians have a criminal record, and covered business establishments may include certain private contractors providing services to prisons and jails, among others. CRD anticipates increased litigation and calls to CRD’s Contact Center; increased need for CRD’s regulatory guidance; and extensive outreach and education. To implement AB 2064, CRD anticipates requesting \$10 million or more in FY 2027-2028 and ongoing. This amount includes new positions across all CRD divisions as well as costs, including but not limited to IT and translation/interpretation costs.

- 2) Cost pressures (Trial Court Trust Fund, General Fund) of an unknown but potentially significant amount for increased civil litigation under both FEHA and the Unruh Civil Rights Act, which authorizes private civil actions with statutory damages and attorney's fees. Actual costs will depend on the number of cases filed and the amount of court time needed to resolve each case. It generally costs approximately \$1,000 to operate a courtroom for one hour. Although courts are not funded on the basis of workload, increased pressure on the Trial Court Trust Fund may create a demand for increased funding for courts from the General Fund. The state budget provides annual General Fund backfills to the Trial Court Trust Fund to offset revenue reductions, totaling approximately \$117.3 million in 2025-26.

The Legislative Analyst's Office recently warned of General Fund structural deficits of around \$35 billion per year beginning in the 2027-28 fiscal year.

COMMENTS:

- 1) **Purpose.** According to the author, formerly incarcerated individuals and other persons with criminal histories:

[F]ace systematic disenfranchisement that often prevents them from smoothly rejoining society. The stigma attached to incarceration can limit access to jobs, housing, and business opportunities. AB 2064 allows formerly incarcerated individuals to confidently step into the next chapter of their life by adding criminal conviction history to the lists of protected classes under California law. Thus, extending legal protection for these individuals to ensure they have access to advancement opportunities.

- 2) **Background.** The Unruh Civil Rights Act prohibits business establishments from denying full and equal accommodations based on specified protected characteristics, including sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, and immigration status. FEHA prohibits discrimination in employment and housing on the basis of a similar but not identical list of protected characteristics. Violations of the Unruh Act are enforceable through private civil actions with statutory damages of at least \$4,000 per violation and attorney's fees. FEHA violations are enforceable through the Civil Rights Department's administrative process and through private civil actions after exhaustion of administrative remedies.

Existing law under the Fair Chance Act (Government Code Section 12952) prohibits employers with five or more employees from considering an applicant's conviction history before making a conditional offer of employment and requires an individualized assessment before denying employment based on conviction history. This bill would extend protections beyond conviction history to include arrests, charges, sealed or expunged records, juvenile adjudications, and diversion referrals, and would extend those protections beyond employment to housing and public accommodations. The bill defines "criminal history" broadly to include arrests that did not result in conviction, as well as records that have been sealed, pardoned, dismissed, expunged, or otherwise resolved. This is substantially broader than the conviction history protections under existing law and would protect a correspondingly larger share of Californians.

- 3) **Support and Opposition.** A coalition of legal aid, civil rights, prisoner rights, and social justice organizations support the bill as a means of dismantling barriers to reentry and reducing recidivism by expanding access to employment, housing, and business opportunities. The California Chamber of Commerce and other organizations oppose the bill, arguing that it creates overlapping and potentially conflicting compliance obligations with the existing Fair Chance Act and increases litigation exposure for employers.
- 4) **Related Legislation.** AB 2095 (Lee) would strengthen the Fair Chance Act to further protect applicants and employees from discrimination based on conviction history. AB 2095 is pending in this committee.

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