CONCURRENCE IN SENATE AMENDMENTS
AB 449 (Jackson)
As Amended June 19, 2025
Majority vote

SUMMARY

Requires the Civil Rights Department, subject to an appropriation of funds, to develop and implement media campaigns for the purpose of discouraging discrimination.

Major Provisions

1) Requires the Civil Rights Department (CRD), on or before July 1, 2026, or one year after the date funds are appropriated, to create and implement statewide and regional radio, social media, and television campaigns to discourage discrimination based upon protected characteristics.

2) Requires CRD to convene a working group to develop the antidiscrimination campaign, the members of which shall be appointed as follows:

   a) Nine members appointed by the director of the department with expertise in the field of marketing and messaging, specifically on topics germane to this section, who shall reflect the geographic and demographic diversity of the state.

   b) One member of the Assembly, appointed by the Speaker of the Assembly.

   c) One member of the Senate, appointed by the President pro Tempore of the Senate.

3) Exempts the working group in 2) above from the Bagley-Keene Open Meetings Act.

4) Requires the percentage of advertisements focused on combating hate violence against a specific community to be based on the rate of hate crimes committed against each community, as specified.

5) Specifies that the provisions of this bill only become operable if the Legislature appropriates funds.

Senate Amendments
Make technical and clarifying changes.

COMMENTS

Existing powers and duties of the Civil Rights Department: The primary function of the Civil Rights Department (CRD) – formerly known as the Department of Fair Employment and Housing – is to enforce the anti-discrimination provisions in the Fair Employment and Housing Act (FEHA), as well as the state's major civil rights statutes, most notably the Unruh Civil Rights Act and the Ralph Act. The Unruh Act prohibits business establishment from discriminating on the basis of certain protected characteristics. The Ralph Act makes violence and intimidation against a person based on that person's protected characteristics an actionable offense subject to damages and civil penalties. Since 2022, CRD has also housed the Commission on the State of

Hate, which monitors reports of hate crimes in California, conducts research on hate crimes, and – most relevant to this bill – seeks to increase awareness of hate crimes and discrimination through public forums and engagement with community groups. (Government Code Section 8010.)

CRD has the power and duty to accept, investigate, and mediate complaints alleging discrimination in employment and housing, allegations of hate violence under the Ralph Act, and business violations of the Unruh Civil Rights Act. If a complaint is accepted, CRD investigates the complaint and offers to mediate the dispute in certain instances. The CRD also has the power to bring a suit against a violator on behalf of the complainant and in the name of the people of California. Finally, when CRD opts not to investigate, mediate, or litigate a case, it has the power to issue a "right to sue letter" that permits the complainant to pursue a civil action. Although the existing statutory framework does not expressly confer upon CRD the power to implement media campaigns of the sort proposed by this bill, existing law does give CRD the duty and power to hold hearings, issue publications, and take other steps to "promote good will, cooperation, and conciliation, and minimize or eliminate unlawful discrimination, or advance civil rights in the State of California." (Government Code Section 12930, 12935(d).)

This bill, consistent with the goals of increasing public awareness, eliminating unlawful discrimination, and advancing civil rights would require CRD, upon appropriation, to develop and implement radio, social media, and television campaigns to discourage discrimination. As a preliminary step, the bill requires CRD to convene a working group to help develop these campaigns. The bill would also set forth specific goals and policies, including requiring CRD to ensure that the percentage of advertisements combating hate violence against a specific community be based on the rate of hate crimes committed against that community. Lastly, the bill would exempt the working group from the requirements of the Bagley-Keene Open Meetings Act.

Exemption from the Bagley-Keene Open Meetings Act. Since 1967, California's Bagley-Keene Act has required that all meetings of a state body be open and public and that all persons be permitted to attend any meeting of a state body, unless the topic covered is one that permits the body to meet in closed session. Most notably, existing law permits closed meetings when the public body discusses certain sensitive issues, such as personnel matters, contract deliberations, and pending litigation. (Government Code Sections 11120 to 11126.) In addition, since 1970 the California Constitution has enshrined the people's right to access information concerning the conduct of the people's business, including open access to all meetings of public bodies. In furtherance of this right, the California Constitution requires that any statute that limits access to public information or the meetings of public bodies to include findings demonstrating why the limitation on access serves the public interest. The Legislature does, on occasion, expressly exempt a body from the Bagley-Keene Act, as does this bill. As required by the California Constitution, the bill sets forth the reason for denying access to working group's meetings as follows: "In order to ensure diverse and expert input in the creation of antidiscrimination media campaigns, it is necessary to reduce the administrative burden on the working group created by [the Bagley-Keene Act]."

In the 2023-2024 session, the Legislature enacted at least two measures that similarly included express exemptions to the Bagley-Keene Act: SB 800 (Caballero) Chap. 416, Stats. 2023, and SB 1448 (Hurtado) Chap. 917, Stats. 2024. SB 800 exempted the meetings of the Zero-Emissions and Electrification Advisory Panel, and SB 1448 exempted a working group within

the Department of Agriculture that promoted "farm-to-fork" community programs. Because advisory groups and working groups do not generally have the power to make binding policy decisions, but simply provide support to entities that do have that power, the Legislature has sometimes seen fit to exempt them from the Act's sometimes burdensome administrative requirements, especially the need to provide advance notice of all meetings and to ensure adequate facilities to permit in-person or online access to the public. Whether denying public access to meetings of this sort is good policy, the exemption created in this bill nonetheless appears consistent with recent legislative exemptions.

Last session's AB 1079 and Governor's veto. This bill is substantially the same as a portion of AB 1079, by the same author, in the last session of the Legislature. Like this current measure, that bill would also have required CRD, subject to appropriation, to convene a working group to develop and implement media campaigns to discourage discrimination. That bill would have additionally required the Department of Public Health (DPH) to establish a Hate Crimes Intervention Program to, among other things, implement research-based interventions in collaboration with community leaders and organizations in communities most impacted by hate crimes. However, the Governor vetoed AB 1079, largely on the grounds that it was duplicative of other programs that the state had already funded. Though in fairness to *this bill*, the Governor's veto message for AB 1079 focused primarily on the duplicative nature of the DPH program to combat hate crimes. Nonetheless, it is possible that the Governor would once again conclude that existing state programs address these efforts, and that CRD already maintains an office of education and outreach that communicates state policy goals to the businesses, housing providers, and the general public. However, the fact that CRD already engages in similar activities certainly suggests that they have the capacity to develop and implement media campaigns, and that additional funding (if ever appropriated) would permit them to expand upon those efforts.

According to the Author
According to the author, "hate violence against marginalized people and groups have reached historic highs. The same can be said for the proliferation of white supremacist propaganda, and the growth of hate-driven, white supremacist groups, and organizations. Cleaning up in the aftermath of hate crimes is not enough. California must go on the offensive against hate and bigotry, and chart the course to become America's first genuinely Antiracist State." The author believes that AB 449 will help achieve these goals by empowering "the Civil Rights Department to create and implement statewide and regional radio, social media, and television campaigns which is a step forward to ensure that our communities feel safe and have the support from local community-based organizations to fight discrimination and racism."

Arguments in Support
In support of this bill, Equality California cites the California Department of Justice's most recent Hate Crime in California Report, which shows that "while overall hate crime events decreased by 7.1% from 2022 to 2023, reported hate crimes against LGBTQ+, Jewish, and Muslim communities increased, and too many continue to be unacceptably targeted by hate." Equality California concludes that "AB 449 takes action to combat discrimination and hate crimes through powerful media campaigns that send a clear message that hate and discrimination is not welcome in California."

Arguments in Opposition
None on file

FISCAL COMMENTS

The Senate Appropriations Committee writes regarding the fiscal impact:

To administer this bill, CRD anticipates requesting one position (Staff Services Manager II), $171,000 in 26-27, and $168,000 in 27-28 and ongoing. This position would manage the working group required by the bill as well as create and run the public education campaigns, under CRD leadership's direction (absorbable workload). In addition, CRD reports that it would request between $2.5 million to $25 million in 26-27 and 27-28 and ongoing for the public education campaigns themselves, depending on the type, size, frequency, and other details of the public education campaigns that the Legislature would like to fund. For example, a public education campaign that runs on TV would be much more expensive than one that is not on TV. This range is based on CRD's experience and the costs of running other statewide public education campaigns in recent years.

VOTES:

ASM JUDICIARY: 10-0-2
YES: Kalra, Bauer-Kahan, Bryan, Connolly, Harabedian, Pacheco, Papan, Sanchez, Stefani, Zbur
ABS, ABST OR NV: Dixon, Essayli

ASM APPROPRIATIONS: 11-0-4
YES: Wicks, Arambula, Calderon, Caloza, Elhawary, Fong, Mark González, Hart, Pacheco, Pellerin, Solache
ABS, ABST OR NV: Sanchez, Dixon, Ta, Tangipa

ASSEMBLY FLOOR: 66-1-12
YES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Connolly, Davies, Elhawary, Flora, Fong, Gabriel, Garcia, Gipson, Jeff Gonzalez, Mark González, Haney, Harabedian, Hart, Irwin, Jackson, Kalra, Krell, Lee, Lowenthal, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas
NO: DeMaio
ABS, ABST OR NV: Castillo, Chen, Dixon, Ellis, Gallagher, Hadwick, Hoover, Lackey, Macedo, Sanchez, Ta, Tangipa

SENATE FLOOR: 30-2-8
YES: Allen, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Cortese, Durazo, Gonzalez, Grayson, Hurtado, Laird, Limón, McGuire, McNerney, Menjivar, Padilla, Pérez, Reyes, Richardson, Rubio, Smallwood-Cuevas, Umberg, Valladares, Wahab, Weber Pierson, Wiener
NO: Alvarado-Gil, Seyarto
ABS, ABST OR NV: Choi, Dahle, Grove, Jones, Niello, Ochoa Bogh, Stern, Strickland

UPDATED

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CONSULTANT: Tom Clark / JUD. / (916) 319-2334 FN: 0001712