Date of Hearing: June 23, 2026

ASSEMBLY COMMITTEE ON JUDICIARY
Ash Kalra, Chair
SB 1078 (Laird) – As Amended June 10, 2026

SENATE VOTE: NOT RELEVANT

SUBJECT: CIVIL RIGHTS VIOLATIONS: SERVICE OF PROCESS: CIVIL RIGHTS DEPARTMENT

SYNOPSIS

California maintains some of the strongest and most comprehensive civil rights laws in the nation. The state is a leader on protecting persons of color, women, LGTBQ+ individuals, and persons with disabilities. The state's existing civil rights statutes, found in and around Section 51 of the Civil Code, provide the statutory foundation for these rights, although caselaw and the Fair Employment and Housing Act serve to buttress these laws. Because these statutes are enforceable by private individuals, in order to ensure that wayward litigation strategies do not inadvertently undermine foundational civil rights law, the existing law requires all petitions and briefs in specified civil rights matters be served upon the Solicitor General within the Office of the Attorney General. The existing law then permits the Attorney General to file a brief in the matter in support of a plaintiff or to offset the impact of a potentially harmful legal argument.

Recognizing that the attorneys within the Civil Rights Department possess significant experience and expertise in civil rights litigation, this bill would require litigants in civil rights matters to also notify the Department's Director, in addition to the Attorney General. The bill also confers similar powers to those possessed by the Attorney General to the Civil Rights Department, thus permitting the agency to intervene in the litigation.

This author-sponsored measure is designed to bring the expertise of the Civil Rights Department to the forefront of protecting California's robust civil rights laws. This measure was recently gutted and amended into its current form, and the measure in print has no recorded support or opposition.

SUMMARY: Adds the Director of the Civil Rights Department to the list of persons who must be served a copy of a party's brief or petition associated with civil actions to enforce state civil rights statutes.

EXISTING LAW:

1) Provides, as a part of the Unruh Civil Rights Act, that all persons within the jurisdiction of this state are free and equal, and no matter what their sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, or immigration status are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever. (Civil Code Section 51.)

2) Prohibits a business establishment from discriminating against, boycotting or blacklisting, or refusing to buy from, contract with, sell to, or trade with any person in this state on account

of any characteristic listed in 1), or of the person's partners, members, stockholders, directors, officers, managers, superintendents, agents, employees, business associates, suppliers, or customers, because the person is perceived to have one or more of those characteristics, or because the person is associated with a person who has, or is perceived to have, any of those characteristics. (Civil Code Section 51.5.)

3) Provides, as a part of the Ralph Civil Rights Act of 1976, that all persons within the jurisdiction of this state 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 on account of any characteristic listed in 1). (Civil Code Section 51.7.)

4) Provides that a person is liable in a cause of action for sexual harassment if all of the following elements can be demonstrated:

   a) There is a business, service, or professional relationship between the plaintiff and defendant or the defendant holds themselves out as being able to help the plaintiff establish a business, service, or professional relationship with the defendant or a third party;

   b) The defendant has made sexual advances, solicitations, sexual requests, demands for sexual compliance by the plaintiff, or engaged in other verbal, visual, or physical conduct of a sexual nature or of a hostile nature based on gender, that were unwelcome and pervasive or severe; and

   c) The plaintiff has suffered or will suffer economic loss or disadvantage or personal injury, including, but not limited to, emotional distress or the violation of a statutory or constitutional right, as a result of the conduct described in b). (Civil Code Section 51.9.)

5) Provides that whoever denies, aids or incites a denial, or makes any discrimination or distinction contrary to 1) though 3) is liable for each and every offense for the actual damages, and any amount that may be determined by a jury, or a court sitting without a jury, up to a maximum of three times the amount of actual damage but in no case less than four thousand dollars ($4,000), and any attorney's fees that may be determined by the court in addition thereto. (Civil Code Section 52.1.)

6) Requires that if a violation of 1) through 5) is alleged in a cause of action, each party to serve a copy of the party's brief or petition and brief, on the State Solicitor General at the Office of the Attorney General and that no brief may be accepted for filing unless proof of such service accompanies the filing. (Civil Code Section 51.1.)

7) Establishes the Fair Employment and Housing Act to protect and safeguard the right and opportunity of all persons to seek, obtain, and hold employment without discrimination or abridgment on account of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, reproductive health decisionmaking, or military and veteran status. (Government Code Section 12900 *et seq.*)

8) Establishes within the Business, Consumer Services, and Housing Agency, the Civil Rights Department and tasks the Department with receiving, investigating, conciliating, mediating,

and prosecuting complaints alleging violations of the state's civil rights laws. (Government Code Sections 12901 & 12930.)

FISCAL EFFECT: As currently in print this bill is keyed fiscal.

COMMENTS: California maintains some of the most robust civil rights laws in the nation. In addition to enforcement by state civil authorities, many of these civil rights statutes can be enforced by private individuals. However, to ensure that the Attorney General maintains an awareness over the state of litigation surrounding these critical statutes, the existing law requires parties to transmit all petitions or briefs filed in specified civil rights cases with the Solicitor General within the Office of the Attorney General. Given that the Department of Justice shares responsibility for enforcing civil rights laws with the Civil Rights Department, this bill would expand these service requirements to include the Director of the Civil Rights Department. In support of this bill, the author states:

> Under current law, the Attorney General must be notified when a civil rights violation is filed with the courts. However, the Director of the Civil Rights Department, one of the state's most qualified entities whose core purpose is to protect civil rights, does not receive this same notification. With the recent rise in hate crimes, Senate Bill 1078 ensures that the Director of the Civil Rights Department, the institutional centerpiece of California's broad anti-discrimination and hate crimes policy, is made aware of any alleged violation of any civil rights.

Notifying the Attorney General of civil rights lawsuits helps protect the underlying statute and assist litigants. California's robust civil rights protections are the result of a strong statutory framework and decades of supportive case law. As the chief law enforcement officer in the state, the Attorney General may bring lawsuits to enforce these laws. However, recognizing that workload constraints make it virtually impossible for the Attorney General to police every civil rights violation in the state, the existing law authorizes private rights of action to enforce the state's civil rights laws.

While private enforcement of civil rights statutes is an important tool to protect everyday Californians, it introduces the risk that adverse court decisions may undermine the state's existing civil rights protections. In order to meet their ethical obligations to vigorously advocate for their clients, some attorneys may advance novel claims or legal theories in an attempt to prevail in litigation. To the extent such arguments may fail, they introduce the risk that a court undermines the protection of existing law.

To ensure that such actions do not occur, in 2002, the Legislature enacted AB 2524 (Goldberg) Chap. 244, Stats. 2002, which required all private litigants filing cases under specific civil rights statutes to serve the Solicitor General, within the Office of the Attorney General, a copy of all petitions or briefs. That bill then permitted the Attorney General to intervene and file brief in the matter. AB 2524 advanced two goals. First, the bill enables the Attorney General to submit a brief to prevent the court from undermining existing law should a private attorney make a questionable argument. Secondly, the bill enabled the state to support valid civil rights claims, thereby assisting aggrieved Californians to protect their rights.

This bill recognizes the Civil Rights Department's role in overseeing California's civil rights laws. The Civil Rights Department is tasked with overseeing the state's Fair Employment and Housing Act, one of the primary civil rights statutes. Although focused on employment and

housing, the Civil Rights Department employs teams of highly trained civil rights attorneys. Furthermore, many of the state's foundational civil rights statutes in the Civil Code undergird the effectiveness of the Fair Employment and Housing Act.

Recognizing the expertise of the Civil Rights Department, this bill would require litigants in specified civil rights cases to serve the Director of the Civil Rights Department all briefs or petitions filed in civil rights cases. Similar to the existing authority conferred to the Attorney General, the bill would also give leave to the Civil Rights Department to submit a brief in the matter. This measure will further protect the state's civil rights laws by providing an additional layer of expertise and oversight in observing civil rights ligation undertaken in California.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Nicholas Liedtke / JUD. / (916) 319-2334