

SENATE THIRD READING

SB 1078 (Laird)

As Amended June 10, 2026

Majority vote

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.

According to the Author**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.

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) Chapter 244, Statutes of 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.

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 litigation undertaken in California.

According to the Author

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.

Arguments in Support

None on file

Arguments in Opposition

None on file

FISCAL COMMENTS

According to the Assembly Appropriations Committee:

- 1) Ongoing costs of approximately \$300,000 annually, including one permanent position, to the Civil Rights Department (CRD) (General Fund) to receive and review pleadings served on the department in qualifying appellate proceedings and, at the director's discretion, to prepare and file briefs in those matters. The universe of covered filings is limited to proceedings in the Supreme Court, the courts of appeal, and the appellate divisions of the superior courts in which a violation of Civil Code Sections 51, 51.5, 51.7, 51.9, or 52.1 is alleged or the application or construction of those sections is at issue. CRD also anticipates increased call volume to the department's contact center and an increase in Public Records Act requests. Staff notes that while the bill's service requirement places intake volume outside the department's control, the decision to prepare and file a brief in any matter rests with the director; the brief-filing workload is therefore within the department's control and could be scaled to available resources, and the department's estimate reflects its intended level of participation rather than an obligation imposed by this bill.
- 2) Minor and absorbable costs to the trial and appellate courts to verify proofs of service and administer cure periods, as these functions fall within baseline clerk operations.

VOTES**SENATE FLOOR: 29-9-2**

YES: Allen, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Cortese, Durazo, Gonzalez, Grayson, Hurtado, Laird, Limón, McGuire, McNerney, Padilla, Pérez, Reyes, Richardson, Rubio, Smallwood-Cuevas, Stern, Umberg, Wahab, Weber Pierson, Wiener

NO: Alvarado-Gil, Choi, Dahle, Grove, Jones, Niello, Ochoa Bogh, Strickland, Valladares

ABS, ABST OR NV: Menjivar, Seyarto

ASM JUDICIARY: 9-3-0

YES: Kalra, Bauer-Kahan, Bryan, Connolly, Harabedian, Pacheco, Papan, Stefani, Zbur

NO: Macedo, Dixon, Sanchez

ASM APPROPRIATIONS: 11-4-0

YES: Wicks, Arambula, Calderon, Caloza, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache

NO: Hoover, Dixon, Ta, Tangipa

UPDATED

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CONSULTANT: Nicholas Liedtke / JUD. / (916) 319-2334

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