

SENATE THIRD READING
SB 1387 (Stern)
As Amended August 13, 2026
Majority vote

SUMMARY

Requires a state agency that collects demographic data as to ancestry or ethnic origin to include a separate category and tabulation for Jewish ancestry or ethnicity and makes corresponding changes in various code sections.

Major Provisions

- 1) Requires a state agency that directly or by contract collects demographic data as to the ancestry or ethnic origin of Californians to use a separate collection category and tabulation for Jewish ancestry or ethnicity in any form that offers respondents the option of selecting one or more ethnic or racial designations.
- 2) Except for personal identifying information, which shall be deemed confidential, requires a state agency to do both of the following with the demographic data collected:
 - a) Include the data in every demographic report on ancestry or ethnic origins of Californians by the state agency that is published on or after January 1, 2029.
 - b) Make the aggregated data available to the public in accordance with state and federal law, including by publishing the data on its internet website.
- 3) Makes conforming changes to the Education, Penal, and Unemployment Insurance codes.
- 4) Specifies that the provisions of this bill shall become operative on January 1, 2028.

COMMENTS

This bill requires a state agency that collects demographic data on ancestry or ethnic origin to include a separate category and tabulation for Jewish ancestry or ethnicity and makes corresponding changes in various code sections.

Pew Research Center Report on Jewish Identity. "There is no one way that American Jews think about being Jewish," according to a 2020 report by the Pew Research Center. When asked whether being Jewish is mainly a matter of religion, ancestry, or culture- some Jewish respondents picked one descriptor, some picked all of them, and some chose two of three. The Pew report, therefore, supports a central claim made by the author and sponsor: *being Jewish is not a matter of religion alone*. Indeed, only 11% of the Pew respondents stated that being Jewish was a matter of religion alone, and only 36% included "religion" in combination with other choices. Over one-half (52%) of the Pew respondents mentioned "ancestry," either alone or in combination with other categories. A similar number (55%) associated being Jewish with "culture," either alone or in combination with other categories. Even among Jews who identify as religious, just 44% mention religion as a primary facet of Jewish identity, although Orthodox Jews stand out in this regard: 40% say being Jewish is about only religion, and about 30% of Orthodox adults say it is some combination of religion, ancestry, and culture, or all three of these. The vast majority of Jews who do not identify as religious nonetheless still identify as

Jewish. The self-identified "nonreligious" Jews reported that, for them, being Jewish is mainly a matter of ancestry (41%), culture (25%) or both (15%). (See Pew Research Center, *Jewish Americans in 2020*, available at www.pewresearch.org/religion/2021/05/11/jewish-americans-in-2020. See especially chapter 2, "Jewish Identity and Belief," and chapter 9, "Race, Ethnicity, Heritage, and Immigration Among U.S. Jews.")

The Pew study suggests, therefore, that many Jewish people, if given the option to select one or more categories under the "race and ethnicity" question on state forms would select "Jewish," either alone or in combination with another option. This bill, therefore, is consistent with prior legislation enacted by the California Legislature that has followed the more modern understanding of race and ethnicity as a matter of self-identification rather than fixed or absolute categories that the law imposes on people.

Will this bill produce more accurate data, or merely allow people to self-identify? According to the author, California's "commitment to equity depends on accurate data." To be sure, as discussed above, the bill follows recent state and national trends favoring self-identification. However, whether self-identification results in more accurate data depends upon what one means by "accurate." The revised forms required by this measure will provide a more accurate count of the number of people who self-identify as ethnically Jewish but may not necessarily capture people who do not view their Jewishness as a form of ethnic or racial identity, but who nonetheless still consider themselves Jewish. Based on the data described above this may result in the omission of at least 105 of persons identifying as Jewish in some manner. No doubt some percentage of Jews will take advantage of the option to self-identify as "Jewish," while other Jews may continue to identify as ethnically or racially white, Black, Asian, Latino, or any other category that fits their understanding. Nonetheless, the bill moves California further along the path of collecting demographic data in a manner consistent with modern principles of self-identification and will provide more accurate data on how Jews self-identify, but not necessarily a more accurate accounting of the number of Jewish Californians.

In sum, if the purpose of the bill is to permit Jews to identify in a manner that is most meaningful to them, then that may be justification enough. But if the purpose is, as the author claims, to provide more accurate data, the bill standing on its own may not accomplish this, for the simple reason that a Jewish person who checks that they are racially or ethnically "white" (as 92% of U.S. Jews do now) instead of checking the "Jewish" box will not be recorded as Jewish. As noted by the opposition to this measure, Jews in the United States do not think monolithically about this issue, and thus it seems inevitable that *some* Jews will check "Jewish" and others will continue to check "white" or some other category. So while this measure, like prior legislation adding new options for demographic self-identification, may not give the state a more accurate count of Jewish persons in California, the bill will, however, tell us how many Jews think of their Jewish identity as a matter of race or ethnicity and, perhaps more important, it will allow Jews to make a choice more consistent with their understanding.

According to the Author

California's commitment to equity depends on accurate data. Jewish identity is not solely a religion – it is also a people, a culture, an ethnicity. Yet our statute, agencies, and data systems often treat Jewish Californians as if they exist only in a religious category. That misclassification has real consequences. It affects how hate crimes are recorded. It affects how disparities are identified. And it affects whether communities are visible in the policymaking process. SB 1387 does not create a new protected class. It does not remove religious recognition. It simply ensures

that Jewish Californians can be accurately counted and understood in the same way California has recognized other ethnic communities. Accurate data leads to better understanding and better policy. This bill is about precision, equity, and fairness.

Arguments in Support

Jewish California, the sponsor, citing the Pew Center study discussed in the analysis, stress that for most American Jews, "religion is not central to their Jewish identity." Rather, Jews are more likely to associate their Jewishness with their ancestry, history, and cultural practices. Jewish California writes further:

California relies on demographic data to identify disparities, conduct research, tailor services, and ensure compliance with civil rights protections. When Jewish ethnicity is absent from data systems, disparities affecting Jewish communities – whether in healthcare needs, educational outcomes, or discrimination – are less likely to be identified or addressed.

Furthermore, antisemitic hate crimes are frequently motivated by perceived ethnicity, ancestry, or peoplehood – not religious observance. When Jews are categorized only as a religion, hate crimes targeting Jews as an ethnic group may be mischaracterized, underreported, or analytically obscured. This weakens California's ability to accurately measure antisemitism, identify trends, allocate prevention resources, and evaluate the effectiveness of state interventions.

State law does not merely collect data – it signals to the public how communities are understood. When California recognizes Jews only as a religion, it reinforces a narrow and incomplete understanding of Jewish identity, encouraging the misconception that Jews are defined solely by belief or worship rather than by a rich and distinct culture, history, peoplehood, and shared experience. That misunderstanding leads to generalizations, creating fertile ground for bias and discrimination.

SB 1387 is consistent with a long-standing legislative principle that California has applied to many communities. Recognizing that good data informs good policy, California has enacted several recent laws requiring more detailed demographic data collection, including for Asian American and Pacific Islander subgroups (AB 1088, 2011; AB 1726, 2016), Black subgroups (SB 189, 2022), LGBTQ+ communities (SB 957, 2024), and Middle Eastern and North African populations (AB 91, 2025). Extending the same recognition to Jewish Californians is both equitable and overdue.

Importantly, SB 1387 does not remove or replace existing religious categorization. It simply adds the option for Jewish Californians to self-identify based on ethnicity – ensuring that our community is neither invisible nor misrepresented in the data systems that drive critical public health, education, and civil rights decisions.

Arguments in Opposition

Jewish Voice for Peace (JVP) of Los Angeles opposes the bill because it "endangers Jewish Californians by falsely and unnecessarily counting them using the false and harmful category of 'race.'" In addition, JVP argues that the bill makes state demographic categories inconsistent with federal categories, thereby making comparison with other studies more problematic. Finally, JVP argues that this bill will impose considerable costs upon the state without any corresponding benefit. JVP explains further:

This bill. . . would require state agencies, boards, and commissions to include "Jewish" as an ethnic category in the collection and public reporting of demographic data. If enacted, this bill would endanger Jewish Californians by falsely and unnecessarily counting them using the false and harmful category of "race." In addition, the bill would place undue burden on state data collection systems which currently do not collect data on religious identities.

There is no Jewish "race" or "ethnic" group, and we vehemently reject any attempt to categorize Jews as such. Jewish people in Europe, the US, and elsewhere have been historically and currently racialized (treated as a single "race" of people), and Jewish people have subsequently been segregated, excluded, and murdered based on this false notion. Although SB 1837 uses the term "ethnic" in state data collection as well as in public discourse the terms "race" and "ethnic" are used interchangeably or in combination ("race/ethnic"), therefore any application of "ethnic" may be included under "race." Notably, the California Department of Education reports data on "race/ethnicity."

There is no single "Jewish" ethnic group. Jewish people come from all parts of the world, and while some have developed unique subcultures (e.g., Eastern European Jews, North African Jews, Ethiopian Jews, etc.), they also share cultural practices of their places of origins.

Federal race/ethnicity standards set by the US Office of Management and Budget (OMB) are primarily based on place of origin and there are no religious identities included. For efficiency and to enable comparison and aggregation of datasets, state and private agencies generally follow the OMB standards. Recognizing that substantial numbers of people with origins in Southwest Asian and North Africa were being counted as "White" (which otherwise counts people of European origin), the OMB added Middle Eastern/North African (MENA) as a race/ethnic category. In 2025 California followed suit in passing AB 91, the MENA Inclusion Act.

FISCAL COMMENTS

According to the Assembly Appropriations Committee:

- 1) Costs of an unknown amount, likely significant and in the aggregate reaching millions of dollars, across state agencies that collect demographic data on the ancestry or ethnic origin of Californians (General Fund, Disability Insurance Fund, various special funds) to add a separate Jewish collection category and tabulation to forms, information technology systems, and published demographic reports. Four agencies have reported estimates totaling approximately \$3.4 million in one-time costs and approximately \$120,000 in ongoing annual costs, as described below:
 - a) One-time costs of \$2.4 million and ongoing costs of approximately \$100,000 annually to the Employment Development Department (EDD) for changes to the current system design (Disability Insurance Fund, General Fund). According to EDD, the January 1, 2027 date is operationally infeasible and may affect the timeline and scope of the department's ongoing modernization effort, EDDNext.

- b) One-time costs of \$300,000 in fiscal year 2026-27 to the Department of Health Care Access and Information (HCAI) for information technology design updates and system administration, and start-up costs of approximately \$413,000 in 2026-27 for two limited-term positions — one research scientist and one information technology specialist — to develop standards and support system development and data infrastructure updates (General Fund). HCAI anticipates additional costs of an unknown amount for technical assistance, data scrubbing, and submitter education associated with a reporting structure that diverges from federal requirements.
 - c) One-time costs of approximately \$200,000 to the Department of Justice (DOJ) for a third-party vendor to modify the California Incident-Based Reporting System, including the National Incident-Based Reporting System, use of force, domestic violence death review team, and death in custody modules, and ongoing costs of \$14,000 annually for storage and \$3,750 annually for maintenance and hosting (General Fund). DOJ states the department would be unable to absorb these costs within existing budgeted resources.
 - d) One-time costs of \$80,659 to the California Department of Human Resources to modify the Cal Careers system, including the State Application (Form STD 678) and the Examination and Certification Online System, update data loading processes and approximately 15 pre-existing reports supporting the State Employee Race/Ethnicity Questionnaire (Form 1070) (General Fund), and coordinate with the State Controller's Office.
- 2) Costs of an unknown amount to other state agencies that collect ancestry or ethnic origin data, including the California Department of Corrections and Rehabilitation, to add the category to existing collection instruments and published demographic reports. Agencies with simpler collection instruments may absorb the change; agencies operating large claims-processing, eligibility, or case management systems would likely incur one-time system modification costs comparable to those reported above.

Potential cost mitigation by aligning this bill's January 1, 2027 reporting date with the January 1, 2029 reporting date for the Middle Eastern and North African categories required by AB 91 (Harabedian), Chapter 357, Statutes of 2025.

VOTES

SENATE FLOOR: 33-0-7

YES: Archuleta, Arreguín, Ashby, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Ochoa Bogh, Pérez, Reyes, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

ABS, ABST OR NV: Allen, Alvarado-Gil, Becker, Hurtado, Niello, Padilla, Stern

ASM JUDICIARY: 12-0-0

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

ASM PRIVACY AND CONSUMER PROTECTION: 15-0-0

YES: Bauer-Kahan, Macedo, Bryan, DeMaio, Hoover, Irwin, Lowenthal, McKinnor, Ortega, Patterson, Pellerin, Petrie-Norris, Ward, Wicks, Wilson

ASM APPROPRIATIONS: 11-0-4

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

ABS, ABST OR NV: Hoover, Dixon, Ta, Tangipa

UPDATED

VERSION: August 13, 2026

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

FN: 0003536