

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

SB 518 (Weber Pierson)
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AWM

SUBJECT

Descendants of enslaved persons: reparations

DIGEST

This bill establishes the Bureau for Descendants of American Slavery (Bureau) within state government, and establishes the Bureau's duties relating to determining an individual's status as a descendant, as defined, and to reviewing and investigating complaints of property taken as a result of racially motivated eminent domain.

EXECUTIVE SUMMARY

In 2020, the Legislature passed, and the Governor signed, SB 3121 (Weber, Ch. 319, Stats. 2020), which established the first-in-the nation Task Force to Study and Develop Reparation Proposals for African Americans, with a Special Consideration for African Americans Who are Descendants of Persons Enslaved in the United States (Task Force) to study and develop reparations proposals for California's role in accommodating and facilitating slavery, perpetuating the vestiges of enslavement, enforcing state-sanctioned discrimination, and permitting pervasive, systematic structures of discrimination against African Americans. The Task Force completed its work and issued its final report in 2023. The report contains a number of recommended remedies the state could implement in order to atone for its decades of state-sanctioned white supremacy.

This bill is intended to implement two of the Task Force's recommendations, by establishing the Bureau for Descendants of American Slavery to oversee reparations programs, including by establishing a method for determining how a person can establish their status as a descendant eligible for reparations. Additionally, the Bureau's Property Reclamation Division will implement and manage a process by which persons who were the victims of racially motivated eminent domain, as defined, can seek compensation for their unjustly taken property. The author has agreed to amendments to clarify this procedure and make conforming changes.

This bill is sponsored by the author and is supported by 16 community, equity, and legal organizations and four individuals, including three former Task Force Members. This bill is opposed by nine equity, community, and reparations-focused organizations and one individual.

PROPOSED CHANGES TO THE LAW

Existing constitutional law:

- 1) Limits the taking of private property for public use as follows:
 - a) Under the United States Constitution, private property shall not be taken for public use without just compensation. (U.S. Const., 5th & 14th Amends.)
 - b) Under the California Constitution, private property may be taken or damaged for a public use only when just compensation, ascertained by a jury unless waived, has first been paid to, or into court for, the owner. (Cal. Const., art. I, § 19.)
- 2) Provides for equal protection under the law as follows:
 - a) Under the United States Constitution, provides that no state shall deny to any person within its jurisdiction the equal protection of the laws. (U.S. Const., 14th Amend., § 1.)
 - b) Under the California Constitution, provides that a person may not be denied the equal protection of the laws, and that a citizen or class of citizens may not be granted privileges or immunities not granted on the same terms to all citizens. (Cal. Const., art. I, § 7.)
- 3) Provides that all persons are by nature free and independent and have inalienable rights, including acquiring, possessing, and protecting property. (Cal. Const., art. I, § 1.)
- 4) Provides that the State shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting. (Cal. Const., art. I, § 31.)
- 5) Provides that the Legislature does not have the power to make any gift or authorize the making of any gift of public money or thing of value to any individual, municipal, or other corporation. (Cal. Const., art. XVI, § 6.)

Existing federal law:

- 1) Acknowledges that a grave injustice was done to U.S. citizens and permanent residents of Japanese ancestry by the evacuation, relocation, and internment of civilians during World War II, which were motivated largely by racial prejudice,

wartime hysteria, and a failure of political leadership; and that the interned individuals of Japanese ancestry suffered enormous damages, both material and intangible, as a result of the fundamental violations of their basic civil liberties and constitutional rights. (50 U.S.C. § 4202(a).)

- 2) Provided, as restitution for 1), a payment of \$20,000 to each individual of Japanese ancestry who was a U.S. citizen or permanent resident and was subjected to internment during World War II, as specified; or, if the person is deceased, to their surviving spouse, child, or parent. (50 U.S.C. §§ 4215, 4218.)
- 3) Established the Civil Liberties Public Education Fund within the U.S. Treasury, which expired ten years after its creation, for the purpose of distributing the funds under 2). (50 U.S.C. § 4214.)
- 4) Acknowledges that the United States forcibly relocated Aleut civilian residents of the Pribilof Islands and the Aleutian Islands west of Unimak Island during World War II to temporary camps in isolated regions of Southeast Alaska, where the United States failed to provide reasonable care for the Aleuts, resulting in widespread illness, disease, and death; and that the United States failed to protect Aleut personal and community property while the property was under its protection or control. (50 U.S.C. § 4202(b).)
- 5) Provided, as restitution for 4), the value of land taken from the Aleut; the establishment of a trust from which to pay for destroyed and damaged property; and \$12,000 to each eligible Aleut, subject to the availability of funds, as specified. (50 U.S.C. §§ 4233, 4235, 4236.)
- 6) Establishes the Aleutian and Pribilof Islands Restitution Fund to fund 5). (50 U.S.C. § 4233.)

Existing state law:

- 1) Establishes the Eminent Domain Law, which establishes the procedures by which a court may determine the right to possession of a property and the value of a property within an eminent domain proceeding. (Code Civ. Proc., pt. 3, tit. 7, §§ 1230.010 et seq.)
- 2) Establishes the California Victim Compensation Board (CalVCB), which provides the victims of certain crimes, and certain family members of victims and good Samaritans, with compensation for certain expenses incurred as a result of the crime, including health care costs, income losses, job retraining, home security installation, relocation, and mental health counseling. (Gov. Code, tit. 2, div. 3, pt. 4, §§ 13900 et seq.)

- 3) Establishes procedures by which a person may apply for compensation from the CalVCB and for the CalVCB to consider and approve or deny an application. (Gov. Code, §§ 13952-13954, 13959.)
- 4) Establishes, contingent on an appropriation, the Forced or Involuntary Sterilization Compensation Program, administered by the California Victim Compensation Board (CalVCB), which is intended to provide compensation to individuals who are the survivors of state-sponsored sterilization conducted pursuant to eugenics laws that existed in the State of California between 1909 and 1979 or of coercive sterilization performed on an individual in the custody and control of the Department of Corrections and Rehabilitation after 1979. (Health & Saf. Code, div. 20, ch. 1.6, §§ 24210 et seq.)
- 5) Establishes the Forced or Involuntary Sterilization Compensation Account in the State Treasury, which is administered by the CalVCB; funds appropriated for the Account must be used for the purpose of providing payment to persons determined eligible. (Health & Saf. Code, §§ 24212, 24213.)

Former state law established the Task Force to develop reparations proposals for African Americans, with special consideration for African Americans who are descended from persons enslaved in the United States, and provided that the Task Force statutes would remain in effect until July 1, 2023, and as of that date be repealed. (former Gov. Code, §§ 8301-8301.7, repealed by Gov. Code § 8301.7.)

This bill:

- 1) States the following Legislative intent:
 - a) It is the intent of the Legislature in establishing the Bureau to establish an initial framework, and that the scope and responsibilities of the Bureau may expand as necessary to fulfill its mission and address additional harms as identified.
 - b) It is the intent of the Legislature that, as the Bureau expands its scope in the future, it shall also advise on reparative remedies for the African American community to address the lasting harms of disenfranchisement, segregation, discrimination, exclusion, neglect, violence, and the persistent consequences of this legacy.
- 2) Defines the following terms:
 - a) "Bureau" means the Bureau for Descendants of American Slavery.
 - b) "Descendants" means descendants of an African American chattel enslaved person in the United States, or descendants of a free Black person living in the United States prior to the end of the 19th century.
 - c) "Director" means the Director of the Bureau for Descendants of American Slavery.

- d) "Racially motivated eminent domain" means when the state, county, city, city and county, district, or other political subdivision of the state acquires private property for public use and does not distribute just compensation to the owner at the time of acquisition, and the acquisition or the failure to provide just compensation was due, in whole or in part, to the owner's ethnicity or race.
- 3) Establishes the Bureau in the Department of Justice; the Bureau shall be under the direct control of a director who is responsible to the Attorney General.
 - 4) Provides that the Director of the Bureau shall be appointed by the Governor and confirmed by the Senate, and shall perform all duties, exercise all powers, assume and discharge all responsibilities, and carry out and effect all purposes vested by law in the Bureau; and that the salary of the Director shall be fixed by the Governor pursuant to Government Code section 12001.
 - 5) Requires the Bureau to establish a mission statement consistent with the recommendations from the former Task Force to Study and Develop Reparation Proposals for African Americans, with a Special Consideration for African Americans Who are Descendants of Persons Enslaved in the United States.
 - 6) Requires the Bureau to determine how an individual's status as a descendant shall be confirmed, provided that proof of an individual's descendant status shall be a qualifying criterion for benefits authorized by the state for descendants.
 - 7) Provides that the Bureau, in order to accomplish the goal in 6), shall include the following divisions:
 - a) A Genealogy Division, to (1) establish a process to certify descendants of American slaves; (2) create a method for eligible individuals to submit claims and receive compensation or restitution for those particular harms California inflicted upon the claimant or their family; and (3) establish an equitable alternative qualifying criterion for benefits for descendants authorized by the state in cases where an individual's status as a descendant cannot be confirmed or proven.
 - b) A Property Reclamation Division, to (1) research and document California state properties acquired as a result of racially motivated eminent domain, including properties that no longer exist due to state highway construction or other development; (2) create a database of property ownership in the state identifying properties acquired through racially motivated eminent domain or other discriminatory government action; (3) review and investigate public complaints from people who claim their property was taken without just compensation, pursuant to 8); (4) upon appropriation, distribute just compensation for fair market value, adjusted for property price appreciation, of the property at the time of the taking, pursuant to 8); and (5) address cases

- where individuals experienced harm due to the policies and practices of state and local agencies.
- c) An Education and Outreach Division, to develop and implement a public education campaign regarding the cycle of gentrification, displacement, and exclusion; the connection between redlining and gentrification; and the history of discriminatory urban planning in California.
 - d) A Legal Affairs Division, to (1) provide legal advice, counsel, and services to the Bureau and its officials; (2) ensure that the Bureau's programs are administered in accordance with applicable legislative authority; (3) advise the head of the Bureau on legislative, legal, and regulatory initiatives; (4) serve as an external liaison on legal matters with other state agencies and other entities; and (5) conduct a review of past and current laws, as well as proposed legislation, to determine whether those measures have caused, are causing, or may continue to cause harm, providing recommendations to mitigate or eliminate any harm identified in its review.
- 8) Sets forth the findings and procedure by which the Property Reclamation Division in the Bureau can consider and grant applications for the return of property taken through racially motivated eminent domain (collectively, Article 2).
 - 9) States that the Legislature finds and declares that it is in the public interest to compensate victims of racially motivated eminent domain, which deprived citizens of just compensation for their property due to racially discriminatory motives. The unjust taking of land without fair compensation destroyed communities, forced many from their historical neighborhoods, deprived those persons of the fair value of their property, and, in many cases, prevented the accumulation of generational wealth. Providing compensation to these victims of racial discrimination will restore the value of wrongfully taken property to dispossessed owners and hold government entities responsible for those wrongful discriminatory acts.
 - 10) Defines the following terms for purposes of Article 2:
 - a) "Dispossessed owner" means a person who has had property taken from them as a result of racially motivated eminent domain, or a direct descendant of the person whose property was taken.
 - b) "Publicly held property" means property that is owned by the state or by the local agency that took possession of the property that is the subject of an application submitted pursuant to 9).
 - 11) Provides that, upon appropriation of the Legislature, the Property Reclamation Division within the Bureau shall do all of the following:
 - a) Accept applications from persons who claim they are a dispossessed owner.
 - b) Review and investigate submitted applications. As part of its review, the Division may request additional information, and the applicant may provide it, as specified.

- c) Determine, after reviewing all of the relevant materials, whether the applicant is a dispossessed owner.
 - d) When the determination is in the applicant's favor, the Division shall determine (1) the present fair market value of the property that was taken as a result of racially motivated eminent domain, and (2) whether issuing property or just compensation to that dispossessed owner would serve to redress past acts of racial discrimination, prevent future acts of racial discrimination, and promote the whole of the community and its general welfare.
 - e) If the Division determines that issuing property or just compensation is warranted under 11)(d), the Division shall certify that the dispossessed owner is entitled to one of the following:
 - i. If the taken property is still in the possession of the public entity that took the property, the return of the taken property.
 - ii. If the taken property is no longer in the possession of the public entity that took the property, a publicly held property selected from a list of recommended properties provided by the state or local entity, as applicable.
 - iii. If the property is no longer in possession of the public entity that took the property and no publicly held property is suitable as compensation, financial compensation equal to the present-day fair market value of the property.
 - f) When the determination is that the applicant is not a dispossessed owner, the Division shall notify the applicant of its filing, and the applicant may appeal the determination within 60 days of receiving the notice and provide additional information to support their claim. The Division shall consider the appeal and any new information provided and issue a determination on the appeal within 120 days.
- 12) Provides that, if the state or local entity that took property by racially motivated domain as determined in 11) does not provide compensation in accordance with the Division's certification, the dispossessed owner may bring a claim for compensation under the Government Claims Act; such a claim shall not be subject to the statute of limitations, whether the action is brought before or after the enactment of this bill.
- 13) Provides that:
- a) Article 2 does not disturb or invalidate the title of any property taken by racially motivated eminent domain except against the state or jurisdiction as set forth in Article 2.
 - b) Every finding, decision, determination, or other official act of the Bureau is subject to judicial review in accordance with existing law.
- 14) Prohibits the Attorney General from modifying the structure of the Bureau or its work.

COMMENTS

1. Author's comment

According to the author:

Senate Bill 518 establishes the Bureau for Descendants of American Slavery to address and remedy the lasting harms inflicted on Black Californians. For generations, California upheld discriminatory policies and practices that denied Black residents access to land, wealth, education, and economic opportunity. From exclusionary housing practices to barriers in employment and healthcare, these policies created deep racial disparities that persist today.

Building on the findings and recommendations of the California Reparations Task Force, SB 518 creates a state agency to verify lineage and facilitate access to reparative programs. By ensuring that descendants of enslaved people receive recognition and targeted benefits in housing, education, and economic opportunity, this bill takes a critical step toward dismantling institutional barriers and advancing justice for Black Californians

2. The Task Force's report and recommendations

In 2020, the Legislature enacted AB 3121 (Weber, Ch. 319, Stats. 2020), which created the first-in-the-nation Task Force to explore options for providing reparations to African Americans, and particularly the descendants of enslaved persons, in recognition of California's role in the heinous institution of slavery and the post-abolition perpetuation of racist institutions.¹ The Task Force released an interim report on June 1, 2022, which provided the Task Force's preliminary findings regarding the ongoing and compounding harms caused by federal, state, and local governments from slavery and the " 'badges and incidents of slavery' " that continued to be imposed on African Americans long after slavery was formally abolished.² The report notes that, because "the effects of slavery infected every aspect of American society over the last 400 years...it is nearly impossible to identify every 'badge and incident of slavery,' to include every piece of evidence, or describe every harm done to African Americans."³

On June 29, 2023, the Task Force issued its final report to the California Legislature, known as the California Reparations Report.⁴ The California Reparations Report

¹ HR 40 (Pressley, 119th Cong., 2025-2026), a federal bill to create a federal commission to study the effects of slavery and discrimination on African Americans and devise reparations proposals, is pending before the House Committee on Judiciary. The bill has been introduced every year since 1989.

² California Task Force to Study and Develop Reparation Proposals for African Americans, Interim Report (June 1, 2022), available at <https://oag.ca.gov/ab3121/reports>. All links in this analysis are current as of April 18, 2025.

³ *Id.* at p. 5.

⁴ See generally California Reparations Report (2023), available at <https://oag.ca.gov/ab3121/report>.

incorporates and updates the interim report and recommends appropriate remedies, including compensation, for African Americans as recompense for the State's gross human rights violations against African Americans and their descendants.⁵ The California Reparations Report explains:

[T]he harms inflicted upon African Americans have not been incidental or accidental – they have been by design. They are the result of an all-encompassing web of discriminatory laws, regulations, and policies enacted by government. These laws and policies have enabled government officials and private individuals and entities to perpetuate the legacy of slavery by subjecting African Americans as a group to discrimination, exclusion, neglect, and violence in every facet of American life. And there has been no comprehensive effort to disrupt and dismantle institutionalized racism, stop the harm, and redress the specific injuries caused to descendants and the larger African American community.⁶

The Task Force developed its recommendations for reparations taking into account this willful infliction of harm and applying international standards and principles for the remedy of wrongs and injuries caused by a government.⁷

One of the Task Force's recommendations is to provide restitution to the owners of property that was taken through the use of eminent domain without providing just compensation.⁸ The Task Force recommended that this remedial project be run by a newly created agency, which would, among other things, review and investigate complaints from people who claim their property was taken without just compensation.⁹ While legislation was introduced in 2024 to implement these recommendations, none of those bills was ultimately signed into law.¹⁰

3. The prevalence of racially motivated eminent domain

Eminent domain, as enshrined in the federal and state Constitutions, permits the government to seize privately owned land and put it to a public use – provided that the owner is justly compensated for their property.¹¹ “Just compensation” “means in most cases the fair market value of the property on the date it is appropriated,” which entitles the owner “to receive what a willing buyer would pay in cash to a willing seller at the time of taking.”¹² Historically, however, federal, state, and local governments have

⁵ *Id.* at p. 4.

⁶ *Id.* at p. 48.

⁷ *Id.* at p. 512.

⁸ *Id.* at p. 687.

⁹ Final Report, *supra*, at p. 687.

¹⁰ See SB 1403 (Bradford, 2024); SB 1050 (Bradford, 2024).

¹¹ U.S. Const., 5th amend.; Cal. Const., art. I, § 19.

¹² *Kirby Forest Industries, Inc. v. U.S.* (1984) 467 U.S. 1, 9-10 (internal quotation marks omitted).

frequently targeted properties owned by racial and ethnic minorities for seizure without paying the owners a fair price – which harmed not only the former owners, but stifled the development of generational wealth that allows families to truly flourish.¹³

Examples in California include Manhattan Beach’s racially motivated seizure of Bruce’s Beach¹⁴ and the decade-long clearing of Chavez Ravine, the land that is now home to Dodger Stadium.¹⁵ The Legislature and Los Angeles County took action to return Bruce’s Beach to Willa and Charles Bruce’s descendants,¹⁶ but the former residents of Chavez Ravine, and a multitude of other individuals whose property was taken unjustly, have yet to be fully compensated.

4. This bill establishes the Bureau for Descendants of American Slavery and a process by which the Bureau can certify claims for racially motivated eminent domain

This bill is intended to implement two of the Task Force’s main recommendations: establishing a new agency dedicated to the implementation and success of the Task Force’s recommendations,¹⁷ and providing restitution or compensation to persons, or the descendants of persons, whose property was taken through racially motivated eminent domain.¹⁸

a. *The Bureau for Descendants of American Slavery*

This bill establishes the Bureau for Descendants of American Slavery within the Office of the Attorney General. The Bureau will be run by a director appointed by the Attorney General and confirmed by the Senate. The Bureau’s general mission will be to implement the recommendations of the Task Force.

In order to accomplish its mission, the Bureau will include at least three divisions:

- A Genealogy Division, which will establish a process to certify descendants of American slaves, create a method for individuals to submit claims based on their status as a descendant, and establish an alternative equitable qualifying criterion for descendants who are unable to prove their status through the genealogical process.

¹³ See, e.g., California Reparations Report, *supra* at pp. 209-210.

¹⁴ Los Angeles Chief Executive Office, Bruce’s Beach (2024), <https://ceo.lacounty.gov/ardi/bruces-beach/>; Xia, *Manhattan Beach was once home to Black beachgoers, but the city ran them out. Now it faces a reckoning*, Los Angeles Times (Aug. 2, 2020), available at <https://www.latimes.com/california/story/2020-08-02/bruces-beach-manhattan-beach>.

¹⁵ Shatkin, *The Ugly, Violent Clearing of Chavez Ravine Before It Was Home To The Dodgers*, LAist (Oct. 17, 2018; updated May 1, 2023), <https://laist.com/news/la-history/dodger-stadium-chavez-ravine-battle>; Baxter, *Orphans of the Ravine*, Los Angeles Times (Mar. 29, 2008), <https://www.latimes.com/archives/la-xpm-2008-mar-29-sp-ravine29-story.html>.

¹⁶ See SB 796 (Bradford, Ch. 435, Stats. 2021).

¹⁷ California Reparations Report, *supra*, at p. 636.

¹⁸ *Id.* at p. 687.

- A Property Reclamation Division, which will research and document California state properties acquired as a result of racially motivated eminent domain, create a database of such properties, and conduct the racially motivated eminent domain restitution procedure discussed below in Part 5.b.
- An Education and Outreach Division, which will develop and implement a public education campaign regarding the cycle of gentrification, displacement, and exclusion; the connection between redlining and gentrification; and the history of discriminatory urban planning in California.
- A Legal Affairs Division, which will provide advice to the Bureau and its officials on legal and legislative matters, serve as an external liaison on legal matters to other state agencies and other entities, review past and current laws, and proposed legislation, to determine whether the measures are causing, have caused, or are intended to cause harm.

b. Restitution for racially motivated eminent domain

This bill requires the Property Reclamation Division (PRD) of the Bureau to accept, and rule on, applications from persons whose property, or the descendants of people whose property, was taken without just compensation, in whole or in part, because of the property owner's ethnicity or race. The bill establishes the process by which applications can be submitted, allows the PRD to seek additional information if needed, and requires the PRD to determine whether the property was, in fact, taken through racially motivated eminent domain. If the PRD determines that the property was taken through racially motivated eminent domain, the PRD must also determine the present-day fair market value of the property taken as a result of racially motivated eminent domain, and whether issuing property or just compensation to the dispossessed owner would serve to redress past acts of racial discrimination, prevent future acts of racial discrimination, and benefit the whole community and its general welfare.

In the event that the PRD determines that an award is justified, the bill permits the PRD to certify that the dispossessed owner is entitled to the return of the property, an award of comparable property, or monetary compensation, depending on the circumstances. The dispossessed owner can take that certification to the state agency or local entity that was responsible for the unjust taking to seek the certified form of restitution. If the state or local entity does not provide the restitution, the bill permits the dispossessed owner to bring a suit against the state or local entity through the procedures set forth in the Government Claims Act,¹⁹ and that the statutes of limitations on any such claim (e.g., a violation of the Eminent Domain Law) shall not apply. The author has agreed to amendments to clarify these procedures.

The procedure established by this bill will permit a limited revival of claims otherwise barred by the applicable statutes of limitations. The California Supreme Court has held

¹⁹ Gov. Code, tit. 2, div. 4, pt. 7, §§ 17500 et seq.

that the Legislature “has authority to establish – and to enlarge – limitations periods” provided that the language of revival is explicit.²⁰ This bill includes the requisite express language, so there should be no question that the Legislature intends to permit certified claims arising from racially motivated eminent domain to proceed notwithstanding the otherwise-expired statute of limitations. At the same time, the bill’s certification structure – wherein the PRD has to certify a claim before the rightful owner can proceed with the claim – should provide security against meritless claims being filed against state and local entities. Finally, amendments agreed to by the author specify that the court is not bound by the PRD’s determination, meaning the state or local entity is ensured a true *de novo* review of the claim, thereby protecting their due process rights.

5. This bill’s relationship to SB 437 (Weber Pierson)

This Committee is also hearing SB 437 (Weber Pierson), which, subject to an appropriation, requires the California State University (CSU) to conduct research and explore options for how to determine a person’s status as a descendant for purposes of eligibility for reparations. SB 437 requires the CSU to commence the work of establishing the verification process on or before the start of the 2026-2027 academic year. This bill does not expressly require the Bureau or the Genealogy Division to rely on the CSU’s recommendations, but they would certainly be able to do so.

6. Constitutional considerations

Some of the bill’s opponents argue that this bill will violate the state and federal equal protection clauses.²¹ To the extent this argument is based on the definition proposed by the Task Force, this is incorrect: while the Task Force recommended a specific set of criteria for reparations eligibility, this bill does not codify those criteria. And as actually defined in the bill, a “descendant” is a descendant of an African American chattel enslaved person or of a free Black person in the United States prior to the end of the 19th century; this latter category, as a practical matter, also guarantees that the descendant will be the descendant of an African American chattel enslaved person because of America’s limitations on immigration from Africa until well into the 20th century. The bill thus ties “descendant” status, and eligibility for reparations, to proof that an individual is descended from victims of American chattel slavery; contrary to the opponents’ assertion, the race of the descendant is immaterial.²²

²⁰ *Quarry v. Doe I (Quarry)* (2012) 53 Cal.4th 945, 955-957.

²¹ See U.S. Const., 14th amend., § 1; Cal. Const., art I, § 7.

²² This is not a distinction without a difference. Because race is, fundamentally, a social construct dependent in part on phenotypical generalizations, it is a virtual certainty that multiracial individuals who do not “look Black” will qualify as descendants. And, because this is a bill about the moral debt owed to persons who were the victim of state-sanctioned chattel slavery, it is worth noting that a substantial portion of the Black people in America have so-called “white” ancestry because their

The definition in this bill is thus akin to the program established to provide reparations to the victims, or their descendants, of the United States' internment of persons of Japanese descent during World War II.²³ There is a nationality-based – or here, race-based – categorization that arises from the original injury; that is unavoidable when the underlying motivation for the harm was racism. The criteria for eligibility for reparations, however, is not tied to the race of the recipient, but rather to the recipient's relationship to a person harmed. The bill therefore does not plainly violate the requirements of equal protection, or the more stringent Proposition 209's prohibition on discrimination or preferential treatment "on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting."²⁴ To avoid any doubt about the intent of this bill to be race-neutral in its application, the author has agreed to amend the language regarding the Bureau's future mission.

With respect to the racially motivated eminent domain procedure, there is even less cause for concern. While the racially motivated eminent domain procedure will be conducted through the Bureau, the procedure is neither facially nor implicitly limited to persons of a specific race, or even only descendants. Because the racially motivated eminent domain procedure is race-neutral, there should be no concern that this procedure will violate any prohibitions related to race.

Additionally, the racially motivated eminent domain process appears consistent with the constitutional limits on when public funds may be provided to an individual.²⁵ The procedure is roughly modeled on the California Victim Compensation Board, and the bill makes findings and declarations relating to the Legislature's determination that providing restitution serves an important public purpose. Additionally, the bill requires the PRD to determine that each specific award of compensation will serve the public purposes of preventing discrimination and benefitting the community as a whole, which is intended to ensure that individual inequitable awards are not made. Overall, therefore, it appears that this bill provides an adequate legislative justification for the use of public funds.

7. Amendments

As discussed above, the author has agreed to amendments to clarify the bill's racially motivated eminent domain procedure and otherwise clarify the Bureau's scope and mission. The amendments are set forth below, subject to any nonsubstantive changes the Office of Legislative Counsel may make.

ancestors were enslavers who raped enslaved women with impunity. (California Reparations Report, *supra*, at p. 436.)

²³ See 50 U.S.C. § 4202.

²⁴ Cal. Const. art. I, § 31 (added by initiative measure (Prop. 209, approved Nov. 5, 1996), eff. Nov. 6, 1996). ACA 7 (Jackson, 2024) would have asked the voters to repeal Proposition 209; the resolution died in this Committee.

²⁵ See Cal. Const., art. XVI, § 6.

Amendment 1

At page 3, delete lines 19-23 and insert “(b) It is the intent of the Legislature that, as the bureau expands its scope in the future, it shall also advise on reparative remedies to address the lasting harms of disenfranchisement, segregation, discrimination, exclusion, neglect, violence, and the persistent consequences of this legacy that impacts both descendants and non-descendants.”

Amendment 2

At page 5, delete lines 3 through 6.

Amendment 3

At page 5, in line 7, delete “(5)” and insert “(4)”

Amendment 4

At page 7, before line 1, insert “(2) The specific state or local public entity that was responsible for the taking.”

Amendment 5

At page 7, in line 1, delete “(2)” and insert “(3)”

Amendment 6

At page 7, in line 8, delete “one of the following” and insert “compensation, as follows”

Amendment 7

At page 7, delete lines 9 and 10 and insert “(1) If the taken property is still in the possession of the public entity that took the property, the division shall determine whether the dispossessed owner should be compensated through the return of the taken property or through the present-day value of the property, minus any amount paid for the property at the time it was taken, adjusted for inflation. In making this determination, the division shall consider whether the property’s current use or zoning make it impractical to return the property, and whether the property’s, or its surrounding environment’s, condition would make the return of the property inequitable.”

Amendment 8

At page 7, delete lines 11-15 and insert “If the taken property is no longer in possession of the public entity that took the property, or the division has determined that it is unsuitable for return pursuant to paragraph (1), the division shall determine whether the dispossessed owner should be compensated through the grant of title to one of the recommended publicly held properties or the present-day fair market value of the taken property, minus any amount paid for the property at the time of the taking, adjusted for inflation.”

Amendment 9

At page 7, in line 20, after “(d)” insert “, minus any amount paid for the property at the time of the taking, adjusted for inflation”

Amendment 10

At page 7, in line 29, after “(a)” insert:

A person who receives a certification from the division pursuant to Section 15217 may present the certification to the specific state or local public entity identified by the division, and the state public entity, subject to appropriation, or the local public entity may provide to the person the property or monetary compensation identified in the certification.

(b) (1)

Amendment 11

At page 7, between lines 34 and 35, insert “(2) The person bringing the claim may assert any legal basis for return of the property or compensation that would have been available to the property owner at the time of the taking. The division’s determination shall not be binding upon the court.”

8. Arguments in support

According to the NAACP California-Hawai’i State Conference:

SB 518 establishes the Bureau of Descendants of American Slavery, which will play a central role in helping to correct historical wrongs. By providing a comprehensive system to verify lineage, facilitate property reclamation, and ensure legal support, the Bureau will empower descendants of enslaved individuals in California to access the benefits and services they deserve. This bill is directly in line with the recommendations put forth by the California

Reparations Task Force, which called for measures that provide practical and meaningful steps to repair the damage caused by centuries of discrimination and systemic injustice.

The creation of the Bureau, with specialized divisions for genealogy, property reclamation, education, and legal affairs, reflects a thoughtful, holistic approach to the needs of this community. It acknowledges the ongoing impact of slavery on Black Californians and ensures that those affected will have the tools and resources they need to receive support and recognition.

SB 518 provides an opportunity for the state to correct the historical neglect and disenfranchisement experienced by Black Californians, fostering equity and social justice. This bill is an essential component of the broader effort to address the economic, social, and legal inequalities that continue to affect this community today.

9. Arguments in opposition

According to the Lineage Equity and Advancement Project:

Firstly, SB 518 will significantly delay the implementation of policies intended to benefit descendants of enslaved persons. As written, the Bureau cannot begin its work until the completion of genealogy research mandated by SB 437 (Weber Pierson), a separate bill that directs millions of dollars toward unnecessary genealogical research, with no start date and no end date to the research. This indefinite timeline creates an open-ended delay, preventing any meaningful process in establishing eligibility criteria for administering benefits...

Additionally, SB 518 was drafted without meaningful input from grassroots California-based organizations and leaders who have long been engaged in advocating for Reparations and Reparative justice. Effective policy development requires the inclusion of voices from the communities directly impacted by historical injustices. By failing to incorporate the perspectives of these stakeholders in the legislative process, the bill risks implementing top-down solutions that do not fully address the needs, priorities, or concerns of the people it aims to serve, thereby perpetuating one of the harms that California's Reparations Task Force cited as grounds for Reparative action: namely, political disenfranchisement.

SUPPORT

ACLU California Action

Alliance for Reparations, Reconciliation and Truth

Asian Americans and Pacific Islanders for Civic Empowerment

Black Californians United for Early Care and Education
Black Equity Collective
Black Leadership Alliance Coalition
California Black Power Network
Catalyst California
Don Tamaki, former Task Force Member
Dr. Cheryl Grills, former Task Force Member
Equality California
Greater Los Angeles African American Chamber of Commerce
Greater Sacramento Urban League
Lisa Holder, former Task Force Member
Live Free California
NAACP California-Hawai'i Conference
San Francisco Bay Area Black & Jewish Unity Coalition
San Francisco Public Defender's Office
Western Center on law and Poverty
One individual

OPPOSITION

American Redress Coalition of California Bay Area
American Redress Coalition of California Sacramento
California Black Lineage Society
California Organizations for Reparations
Californians for Equal Rights Foundation
Coalition For A Just And Equitable California
Emend the Mass Media Group
Lineage Equity and Advancement Project
Pacific Legal Foundation
One individual

RELATED LEGISLATION

Pending legislation:

SB 437 (Weber Pierson, 2025) requires the Director of Finance to allocate \$6 million, as specified, for the purpose of enabling the California State University to conduct research in furtherance of the recommendations of the Task Force, as specified. SB 437 is pending before this Committee and is set to be heard on the same date as this bill.

AB 1315 (Essayli, 2025) establishes the California Freedman Affairs Agency as an agency within state government, for the purpose of verifying a resident's status as an American Freedman, as defined, and maintaining a database of American Freedman residents. AB 1315 is pending before the Assembly Rules Committee.

AB 62 (McKinnor, 2025) establishes, within an agency to be determined, a process by which persons could submit applications for compensation for property taken as a result of racially motivated eminent domain, and by which compensation could be awarded. AB 62 is pending before the Assembly Judiciary Committee.

Prior legislation:

SB 1403 (Bradford, 2024) would have established the California Freedmen Affairs Agency which would, among other things, implement and oversee the implementation of the recommendations of the Task Force. SB 1403 died on the Assembly Floor.

SB 1331 (Bradford, 2024) would have established the Fund for Reparations and Reparative Justice in the State Treasury with the purpose of funding policies approved by the Legislature and the Governor that address the harm that the State of California caused to descendants of an African American chattel enslaved person or descendants of a free Black person living in the United States prior to the end of the 19th century. SB 1331 died on the Assembly Floor.

SB 1050 (Bradford, 2024) would have established a procedure by which a dispossessed owner, as defined, of property that was taken as a result of racially motivated eminent domain, as defined, could apply for the return of the property, property of equal value, or compensation. SB 1050 was vetoed by the Governor, who stated in his veto message that, while he applauded the author's "commitment to redressing past racial injustices," the bill "task[ed] a nonexistent state agency to carry out its various provisions and requirements, making it impossible to implement."

SB 490 (Bradford, 2024) would have established the California Freedmen Affairs Agency which would, among other things, implement and oversee the implementation of the recommendations of the Task Force. SB 490 died in the Assembly Judiciary Committee.

AB 1950 (Carrillo, 2024) would have established the Chavez Ravine Displaced Residents Task Force, subject to appropriation by the Legislature, for the purpose of investigating whether and how to provide compensation to former residents and landowners displaced from the Chavez Ravine area of Los Angeles between 1950 and 1961, as specified. AB 1950 was vetoed by the Governor, who stated in his veto message that "a task force to study the events that occurred should be established at the local level."

AB 2296 (Jones-Sawyer, 2022), would have made it easier for members of the Task Force to be removed, allowed officers of the Task Force to be removed by a majority vote of the members, and extended the July 1, 2023, sunset on the Task Force to July 1, 2024. The bill was passed by the Legislature but vetoed by Governor Newsom, whose veto message stated that he was vetoing the bill at the request of the author of the original legislation that created the Task force.

SB 796 (Bradford, Ch. 435, Stats. 2021) required the Director of Parks and Recreation, by December 31, 2021, to execute a deed amendment to exclude Bruce's Beach, a portion of land within Manhattan State Beach, from the requirement to use the property for recreational purposes only; and authorized Los Angeles County to sell, transfer, or encumber Bruce's Beach, upon terms and conditions determined by the county board of supervisors to be in the best interest of the county and the general public.

AB 3121 (Weber, Ch. 319, Stats. 2020) established the Task Force and its mission, with a sunset date of July 1, 2023.
