

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

AB 822 (Elhawary)
Version: March 24, 2025
Hearing Date: July 1, 2025
Fiscal: Yes
Urgency: No
AWM

SUBJECT

Commission on the State of Hate

DIGEST

This bill extends the sunset date for the Commission on the State of Hate (Commission) from January 1, 2027, to January 1, 2031.

EXECUTIVE SUMMARY

The Commission, established in 2022, reports on hate incidents in California. The Commission is tasked with engaging in fact-finding regarding, and making policy recommendations to reduce, hate incidents in the state. The Commission is set to sunset on January 1, 2027.

This bill extends the sunset on the Commission to January 1, 2031. The bill also extends the Commission's obligation to include, in its annual report, specified information relating to the prevalence of hate crime activity and statistics, recommendations, and information about successful approaches to reducing hate incidents, to 2030.

This bill is sponsored by the author and is supported by over 20 organizations. The Committee has not received timely opposition to this bill. The Senate Government Organization Committee passed this bill with a vote of 15-0.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Establishes the Commission. (Gov. Code, § 8010.)
- 2) Establishes requirements and procedures relating to the membership of the Commission, the term of membership, the formation of advisory committees, and per diem compensation. (Gov. Code, § 8010(a)-(h).)
- 3) Provides that the Commission has the following goals:
 - a) Providing resources and assistance to the Department of Justice (DOJ), the office of the Attorney General, the Office of Emergency Services, federal, state, and local law enforcement agencies, and the public on the state of hate in order to keep these entities and the public informed of emerging trends in hate-related crime.
 - b) Engaging in fact-finding, data collection, and the production of annual reports on the state of hate and hate-related crimes.
 - c) Collaborating with other subject-matter experts in the fields of hate, public safety, and other related fields to gain a deeper understanding of, and to monitor and assess, trends relative to the state of hate and hate-related crime.
 - d) Advising the Legislature, the Governor, and state agencies on policy recommendations on specified topics. (Gov. Code, § 8010(i).)
- 4) Requires the Commission to issue an Annual State of Hate Commission Report to the Governor and the Legislature by July 1 of each year, beginning July 1, 2023.
 - a) The report shall describe its activities for the previous year and its recommendations for the following year.
 - b) The report due on or before July 1, 2026, shall include specified information relating to hate crime activity, recommendations for responding to and reducing hate crimes, and information on existing tools, practices, resources, and trainings that have been successful in other states.
 - c) The reports due in 2024 and 2025 shall include the information required for the 2026 report to the extent it is available.
 - d) "Hate crime" has the same meaning as in Penal Code section 422.55. (Gov. Code, § 8010(k).)
- 5) Requires the Commission to report to the Legislature annually through the Joint Committee on Rules on the work of the Commission beginning July 1, 2023. (Gov. Code, § 8010(l).)
- 6) Requires the Commission, in all its activities, to seek to protect civil liberties, including, but not limited to, freedom of speech, freedom of association, freedom of

religion, and the right to privacy in accordance with the United States Constitution and relevant law. (Gov. Code, § 8010(n).)

- 7) Permits the Commission to seek, apply for, or accept funding from sources other than the General Fund to help carry out and achieve the Commission's goals, including from federal sources. (Gov. Code, § 8010(o).)
- 8) Provides that 1)-7) will sunset on January 1, 2027. (Gov. Code, § 8011.)

This bill:

- 1) Extends the sunset on the Commission to January 1, 2031.
- 2) Extends the Commission's obligation to produce a report containing specified information relating to hate crime activity, recommendations for responding to and reducing hate crimes, and information on existing tools, practices, resources, and trainings that have been successful in other states, to the report due on or before July 1, 2030.

COMMENTS

1. Author's comment

According to the author:

Our trans, non-binary, intersex, and gender non-conforming communities are being targeted – not just in other states, but right here at home. We introduced AB 822 to make sure the State of Hate Commission can keep doing the work to protect our communities and stop the spread of hate. This fight isn't over, and we need to keep showing up.

2. Background on the Commission on the State of Hate

The Commission was established in 2022;¹ the goal for the Commission was to:

[C]reate[] a permanent commission within state government, whose sole mission is to: monitor and assess current trends relative to hate crimes; produce annual reports on these trends; and make policy recommendations to the Legislature, Governor, and relevant state agencies and departments in order to help the state be aware of, address, and hopefully reduce instances of these crimes.²

¹ See AB 1126 (Bloom, Ch. 712, Stats. 2021).

² Sen. Com. on Judiciary, Analysis of Assem. Bill No. 1126 (2021-2022 Reg. Sess.) as amended June 23, 2021, p. 5.

Since its inception, the Commission has reported on the prevalence of, and best practices for preventing, hate crimes in California.³ The Commission relies in part on the Attorney General’s annual Hate Crime in California report, but as the Commission notes, looking at incidents of reported hate crimes alone “underestimate[s] the true prevalence of hate activity.”⁴ Hate crime data presents an incomplete picture for a variety of factors, including variation in law enforcement recording and investigation practices; victims deciding not to report, for reasons including distrust of law enforcement and the belief that no action will be taken; and the fact that not all hate-related incidents are criminalized.⁵ Accordingly, the Commission’s reporting takes a more holistic approach to state hate-related incidents than the Attorney General’s reporting on hate crimes. Additionally, the Commission’s reporting includes an analysis of the impacts of hate incidents and policy recommendations relating to reducing hate in the state.⁶

The Commission is set to sunset on January 1, 2027.⁷

3. This bill extends the sunset on the Commission until January 1, 2031

This bill extends the sunset on the Commission to January 1, 2031, and extends the Commission’s obligation to file a summary report until 2030. As explained by the author and supporters of the bill, the Commission’s work is particularly vital now, when hate incidents against certain groups are on the rise, and the federal government is reducing or eliminating funding for research and programs relating to people of color, women, non-cisgender individuals, queer individuals, and other marginalized communities.

Although the Committee has not received any opposition to this bill, it is worth noting that this bill does not appear to pose any constitutional issues, including issues relating to Proposition 209.⁸ The collection of data concerning members of protected classes does not run afoul of equal protection principles or Proposition 209, provided that the program does not discriminate against, or grant a preference to, a particular group.⁹ Here, the Commission is tasked with gathering information about, and making recommendations regarding, hate incidents relating to all affected individuals, so there

³ *E.g.*, Commission on the State of Hate, 2023-2024 Annual Report (updated Mar. 3, 2025), *available at* <https://calcivilrights.ca.gov/commission-on-the-state-of-hate/commission-reports/#body> (link current as of June 26, 2025).

⁴ *Id.* at p. 22.

⁵ *Id.* at pp. 22-23.

⁶ *E.g.*, *id.* at pp. 56-57, 80-91.

⁷ *See* Gov. Code, § 8011.

⁸ *See* Cal. Const., art. I, § 31 (Prop. 209, as approved by voters, Gen. Elec. (Nov. 5, 1996)).

⁹ *E.g.*, *Connerly v. State Personnel Bd.* (2011) 92 Cal.App.4th 16, 46-47.

is no explicit or implicit constitutional concern relating to the scope of the Commission's work.¹⁰

4. Arguments in support

According to the California Academy of Child & Adolescent Psychology:

Since its inception, the Commission has played a critical role in addressing and responding to the troubling rise of hate crimes and incidents within California. These acts significantly impact the mental health and well-being of our youth and families, creating trauma, stress, and long-term psychological effects that can persist across generations. The Commission's efforts to monitor, report, and analyze hate activities, and to foster public awareness through community forums and outreach, are crucial steps in addressing these deeply rooted issues.

We are particularly alarmed by findings in the Commission's latest report, highlighting substantial increases in hate crimes targeting communities already experiencing marginalization and discrimination, such as Black, LGBTQ+, Latinx, and transgender populations. These realities emphasize the continued necessity of the Commission's work in preventing and responding effectively to hate-based incidents.

By extending the Commission's sunset date, AB 822 will ensure that California maintains a committed institutional structure dedicated to combating hate, fostering inclusion, and supporting affected communities

¹⁰ In response to executive orders issued by President Trump, some executive agencies have interpreted the orders to require them to avoid any mention of gender, race, sexuality, or other protected classes, resulting in absurd results – for example, the United States Army, pursuant to a memo instructing the removal of digital content that relates to race, ethnicity, or sex, removed websites about the history of women in the military, the 100th Infantry Battalion and the 442nd Infantry Regiment, and Navajo code talkers; NASA asked its staff to “drop everything” and scrub mentions of “[a]nything specifically targeting women” from its websites; and references to transgender persons have been removed from the National Park Service's Stonewall page, even though trans woman Marsha P. Johnson is generally believed to have started the Stonewall Uprising. (Jingnan & Lawrence, *Here are all the ways people are disappearing from government websites* (Mar. 19 2025) NPR, <https://www.npr.org/2025/03/19/nx-s1-5317567/federal-websites-lgbtq-diversity-erased>; Cole, *Workers at NASA Told to 'Drop Everything' to Scrub Mentions of Indigenous People, Women from Its Websites* (Feb. 4, 2025) 404 Media, <https://www.404media.co/nasa-dei-drop-everything-executive-order/>; Kim, *Park Service erases 'transgender' on Stonewall website, uses the term 'LGB' movement* (Feb. 15, 2025) NPR, <https://www.npr.org/2025/02/14/g-s1-48923/stonewall-monument-transgender-park-service>.) It is, of course, impossible to talk about hate incidents without talking about the reasons motivating the hate incidents, so any argument that California is running afoul of federal orders would be, at best, facile, and at worst, a roundabout attempt to stop California from researching or preventing hate incidents committed against groups already suffering increased hate-based attacks.

SUPPORT

AJC Los Angeles
AJC Northern California
AJC San Diego
Anti-Defamation League
California Academy of Child & Adolescent Psychology
California Teachers Association
Equality California
Hadassah
JCC/Federation of San Luis Obispo
JCRC Bay Area
JCRC of Greater Santa Barbara
Jewish Community Federation and Endowment Fund
Jewish Council for Public Affairs
Jewish Democratic Club of Marin
Jewish Family & Children's Services of San Francisco, the Peninsula, Marin, & Sonoma Counties
Jewish Family Service of San Diego
Jewish Family Services of Silicon Valley
Jewish Federation Los Angeles
Jewish Federation of Orange County
Jewish Federation of the Greater San Gabriel and Pomona Valleys
Jewish Free Loan Association
Jewish Long Beach
Jewish Public Affairs Committee of California
JFCS Long Beach and Orange County
Stop AAPI Hate

OPPOSITION

None received

RELATED LEGISLATION

Pending legislation: None known.

Prior legislation: AB 1126 (Bloom, Ch. 712, Stats. 2021) established the Commission and the January 1, 2027, sunset.

PRIOR VOTES:

Senate Governmental Organization Committee (Ayes 15, Noes 0)

Assembly Floor (Ayes 65, Noes 3)

Assembly Appropriations Committee (Ayes 11, Noes 1)

Assembly Human Services Committee (Ayes 5, Noes 0)
