

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

AB 449 (Jackson)
Version: June 19, 2025
Hearing Date: July 1, 2025
Fiscal: Yes
Urgency: No
AM

SUBJECT

Civil Rights Department: antidiscrimination campaigns

DIGEST

This bill, upon appropriation by the Legislature and commencing on or before the later of either July 1, 2026, or one year after the date of the appropriation, requires the Civil Rights Department (CRD) to create and distribute statewide and regional radio, social media, and television campaigns for the purposes of discouraging discrimination. The bill requires CRD to convene a working group to develop a plan to implement the campaigns above, as provided. The bill exempts the working group from the Bagley-Keene Open Meeting Act.

EXECUTIVE SUMMARY

Hate crime is a major issue for many California communities. While the state has taken steps to address the issue, no program has yet addressed the issue through media campaigns to prevent hate crime. The bill requires CRD to create and implement statewide and regional radio, social media, and television campaigns to discourage discrimination. The media campaigns are to be implemented by a working group comprised of a member of each house of the Legislature and nine experts in the field, and will focus on hate crime directed towards specific communities based on the rate of hate crimes committed against each community, as determined by California Department of Justice data or other reliable data. The bill would exempt the working group from the Bagley-Keene Open Meeting Act. This bill is a reintroduction of part of AB 1079 (Jackson, 2024), which was vetoed by the Governor.¹ The bill is sponsored by the California Legislative LGBTQ Caucus, and supported by the Association of California State Employees With Disabilities, Equality California, and Stop AAPI Hate.

¹ See Prior Legislation, below, for Governor's veto message.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Establishes the Commission on the State of Hate under CRD to provide resources and assistance to the Department of Justice, the state Attorney General, the Office of Emergency Services, and federal, state, and local law enforcement agencies relating to hate-related crimes. Authorizes the Commission, in collaboration with other subject-matter experts, to engage in fact finding, data collection, and the publication of annual reports on the state of hate-related crimes. Requires the Commission to advise the Legislature, the Governor, and state agencies on policy recommendations and to undertake educational efforts to foster mutual respect and understanding among California's diverse population, and to hold at least four public forums on hate crimes. (Gov. Code § 8010.)
- 2) Requires local law enforcement agencies to report hate crimes to the California Department of Justice. (Pen. Code § 13023.)
- 3) Defines a hate crime as a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim: disability; gender; nationality; race or ethnicity; religion; sexual orientation; or association with a person or group with one or more of these actual or perceived characteristics. (Pen. Code § 422.55.)
- 4) Mandates that the Department of Justice (DOJ) submit an annual Hate Crime in California report to the Legislature and on the DOJ website. (Pen. Code § 13023.)
- 5) Provides, pursuant to the California Constitution, that the people have the right of access to information concerning the conduct of the people's business, and, therefore, the meetings of public bodies and the writings of public officials and agencies are required to be open to public scrutiny. (Cal. const. art. I, § 3(b)(1).)
 - a) Requires a statute to be broadly construed if it furthers the people's right of access, and narrowly construed if it limits the right of access. (Cal. const. art. I, § 3(b)(1).)
 - b) Requires a statute that limits the public's right of access to be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest. (Cal. const. art. I, § 3(b)(1).)
- 6) Establishes the Bagley-Keene Act, which requires state bodies to conduct their business in open public meetings, except as provided by the Act, and establishes requirements and procedures for such meetings. (Gov. Code § 11120 et seq.)²

² All further references are to the Government Code unless specified otherwise.

- a) "State bodies" covered by the Bagley-Keene Act include every state board, commission, or body created by statute or required by law to conduct official meetings, every commission created by executive order, any board or body exercising the authority of a state body by delegation, any advisory body created by formal action of a state body, any state body that is supported by public funds and which a member of a state body serves in their official capacity, and the State Bar of California. (§ 11121.)
- b) "State bodies" do not include specified legislative agencies, agencies subject to the Brown Act, and certain educational and health-related agencies. (§ 11121.1.)

This bill:

- 1) Requires the CRD, no later than July 1, 2026, or one year after appropriation by the Legislature, to create and distribute statewide and regional radio, social media, and television campaigns for the purposes of discouraging discrimination based upon, but not limited to, disability, gender, nationality, race or ethnicity, religion, or sexual orientation.
- 2) Specifies that the campaigns are to be implemented through a working group, which is to be comprised of eleven members; two of whom are from each house of the Legislature, and nine of whom are to be appointed by the Director of CRD and are to have expertise in the field of marketing and messaging, specifically on topics germane to the program.
- 3) Requires that the percentage of ads focused on combating hate violence against a specific community with common characteristics are to be created and distributed based on the rate of hate crimes committed against each protected group, as determined by the most recent Hate Crime in California report released by the Attorney General or other reliable and more accurate data on hate violence.
- 4) Provides that these provisions are not to become operative until funding and positions are appropriated by the Legislature in the Budget Act or any other measure for these purposes.

COMMENTS

1. Stated need for the bill

The author writes:

Hate and violence against marginalized people have reached historic highs. The same can be said for the proliferation of white supremacist propaganda, and the growth of hate-driven, white supremacist groups, and organizations. Cleaning up in

the aftermath of hate crimes is not enough. California must go on the offensive against hate and bigotry, and chart the course to become America's first genuinely Antiracist State.

2. Hate crime has been on the rise

Hate crime is a major problem for California, and the state has seen significant increases in hate crimes in recent years. Hate crime is a crime that is committed by a perpetrator entirely or partly because of the victim's actual or perceived personal characteristics like disability, gender, nationality, race or ethnicity, religion, sexual orientation, or association with a person or group with one or more of such characteristics. (Cal. Pen. Code § 422.55.) In recent years, there have been numerous reports of sharp increases in such crimes against racial and ethnic minorities, against transgender individuals and other members of the LGBTQ community, and against members of the Islamic and Jewish faiths. The COVID-19 pandemic fueled a dramatic surge in racially-motivated attacks on Asian-Americans, with some reports suggesting hate crime toward Asian Americans increased 339 percent between 2020 and 2021.³ Hate crimes and murders of transgender individuals have also increased considerably in recent years.⁴ Such increases have corresponded with increases in white supremacist extremist groups and events.⁵

A 2021 report by Attorney General Rob Bonta provides even more insight into this dire reality. The report found a nearly 90 percent increase in hate crimes in California over the last ten years, and an increase of 32.6 percent from 2020 to 2021 at 1,763 total recorded incidents.⁶ The report found that the sharpest increases were for anti-Asian bias, which saw a 177.5 percent increase, and anti-LGBTQ bias, which saw a 47.8 percent increase. Anti-Latino bias hate crime incidents increased by 29.6 percent. The most prevalent hate crime incidents in total were against African-Americans, at 513. Of the criminal offenses committed during such hate crimes, the report found that 72.2 percent were violent crimes, while the remaining offenses were property crimes like vandalism and arson.

The 2023 report on hate crime in California by Attorney General Rob Bonta notes that, while there have been year-to-year increases and decrease in hate crime over the last

³ Kimmy Yam, "Anti-Asian hate crimes increased 339 percent nationwide last year, report says," NBC News (Jan. 31, 2022 3:02 pm), available at <https://www.nbcnews.com/news/asian-america/anti-asian-hate-crimes-increased-339-percent-nationwide-last-year-repo-rcna14282>.

⁴ Human Rights Campaign, *An Epidemic of Violence 2021* (2022), available at https://reports.hrc.org/an-epidemic-of-violence-fatal-violence-against-transgender-and-gender-non-confirming-people-in-the-united-states-in-2021?_ga=2.108286530.1970043238.1687242940-1404589019.1687242940.

⁵ Center on Extremism, "White Supremacist Propaganda Soars to All-Time High in 2022," Anti-Defamation League (Mar. 8, 2023), available at <https://www.adl.org/resources/report/white-supremacist-propaganda-soars-all-time-high-2022>.

⁶ California Attorney General, *2021: Hate Crime in California*, Cal. Dept. of Justice (Jun. 28, 2022)

decade, overall hate crime incidents have increased by 159.9 percent.⁷ Reported hate crimes declined in 2023 after three years of continual increases.⁸ However, the 2023 report showed that reported anti-Jewish and anti-Arab/Muslim hate crimes doubled between 2020 and 2023: anti-Jewish crimes increased 56 percent from 190 in 2022 to 297 in 2023; and anti-Arab or anti-Muslim crimes increased 35 percent from 48 to 65.⁹

While the findings of these reports are significant, they likely do not capture the entire story. That is because the Attorney General's reports are based on data from law enforcement agencies related to crimes actually investigated by law enforcement. Many crimes and hateful, criminal acts likely occurred that were not reported to police. Hate crime has serious consequences. It often involves violence or the threat of violence, resulting in injury, physical harm, and sometimes death of those targeted for their identity. Those targeted suffer directly from such physical harm, and often will suffer emotional and psychological harm from the trauma that the attack caused. Even when someone has not been subject to a hate crime directly themselves, the presence and specter of hate crimes can harm all members of the targeted community. For example, in the sharp rise in hate crimes directed toward Asian-Americans during COVID-19, many Asian-Americans and their communities began to change their daily routines to try to avoid any possible racially-based harassment or harm.¹⁰ LGBTQ Californians often avoid being out in public, or showing public displays of affection toward their same-sex partners, for fear of aggression or hostility from nearby strangers. The American Psychological Association notes that experiences of discrimination and hate crimes can lead to increased rates of depression, anxiety, post-traumatic stress disorder, as well as to increased rates of physical ailments like diabetes, hypertension and obesity.¹¹ Young adults who are frequently faced with discrimination are around 25 percent more likely to be diagnosed with a mental health disorder, and twice as likely to develop severe psychological distress.

3. Current strategies to combat hate crime

Currently, there are a number of ways that the state tries to address hate crimes. Under section 13023 of the Penal Code, law enforcement agencies are required to collect data

⁷ California Attorney General, *2023 Hate Crime in California*, Cal. Dept. of Just., available at https://data-openjustice.doj.ca.gov/sites/default/files/2024-06/Hate%20Crime%20In%20CA%202023f_0.pdf.

⁸ *Hate Crimes Fell in California Last Year, but Religion-based Incidents Increased Sharply*, PPIC, (Oc. 15, 2024), available at <https://www.ppic.org/blog/hate-crimes-fell-in-california-last-year-but-religion-based-incidents-increased-sharply/>.

⁹ *Ibid.*

¹⁰ Khadijah Edwards, "About a third of Asian Americans say they have changed their daily routine due to concerns over threats, attacks," Pew Research Center (May 9, 2022), available at <https://www.pewresearch.org/short-reads/2022/05/09/about-a-third-of-asian-americans-say-they-have-changed-their-daily-routine-due-to-concerns-over-threats-attacks/>.

¹¹ Amy Novotney, "Hate crimes are on the rise in the U.S. What are the psychological effects?" American Psychological Association (May 18, 2023), available at <https://www.apa.org/topics/gun-violence-crime/hate-crimes>.

on hate crimes and provide that data to the Attorney General, who then must report this data online and to the Legislature annually. The Federal Bureau of Investigation also tracks and reports on hate crimes nationally.

In addition, Attorney General Rob Bonta announced in 2021 a plan to create a Racial Justice Bureau and a virtual convening against hate crime. The Bureau will be based in the Department of Justice, and aims to tackle hate crime through outreach with community organizations and law enforcement on hate crime prevention, information sharing, and reporting. The Attorney General also developed a Hate Crime Rapid Response Protocol that acts as a supplemental resource to local, state, and federal law enforcement's investigation and prosecution of hate crimes through resources for skilled law enforcement, lawyers for civil rights issues, and victim services professionals. The California Department of Social Services likewise runs a grant program called Stop the Hate to fund nonprofits to provide support and services to victims and survivors of hate incidents and hate crimes. (Gov. Code § 8260.) CRD runs the California vs. Hate Resource Line and Network, which is similarly aimed at hate crime reporting and services for victims of hate crimes. In 2021, AB 1126 (Bloom, Ch. 712, Stats. 2021) created the Commission on the State of Hate, which establishes a commission with a similar structure to the working group established by this bill to specifically provide resources and assistance with other state agencies and local law enforcement and the public on the state of hate crimes and trends, to engage in fact-finding and data collection on hate crimes, and to advise the Legislature, Governor, and state agencies on policy recommendations to prevent hate.

4. This bill aims to prevent hate crime through media campaigns

Despite these programs, hate crime continues to exist and are a grave ill on California communities. This bill aims to prevent hate crimes through statewide and regional radio, social media, and television campaigns to discourage discrimination against individuals or groups.

To implement the media campaign, the bill requires CRD to convene a working group to develop a plan for the campaign. The working group would be comprised of one member from the Assembly and Senate, respectively, and nine members appointed by the Director of CRD who have expertise in the field of marketing and messaging. The working group's members must reflect the geographic and demographic diversity of the state. The bill also requires that the percentage of advertising campaigns created by the working group be based on the rate of hate crimes committed against each community respectively. This would mean the advertisements would be tailored to address hate towards specific groups proportionally to that community's share of the overall hate crimes committed against all groups. It should be noted that these percentages will be based on the data on hate crimes reported by the Attorney General; because of potential disparities in hate crimes reporting related to cultural practices of individuals, their likeliness to report hate crimes, and policies of law enforcement or

community policing, actual levels of specific types of hate crimes toward particular groups may vary some from the data reported by the Attorney General.

5. This bill limits access to public meetings

Bagley-Keene generally requires state bodies to conduct their meetings openly and make them accessible to the public. A state body includes boards, commissions, committees, councils, and any other public agency created by state statute or executive order, with some exceptions, and the State Bar. (Gov. Code § 11121.) The law does not apply to individual officials, advisory committees with no decision-making authority, or the California State Legislature. The law also requires state bodies to provide advance notice of their meetings and agendas and to allow public comments on matters under consideration. (Gov. Code § 11125.) The law includes certain exceptions, such as closed sessions for discussing personnel issues or pending litigation in order to protect the privacy and legal interests of individuals and the state. (Gov. Code § 11126.)

State bodies must provide at least ten days' notice before a meeting, specifying the time and location, and post an agenda containing a brief description of each item to be discussed or acted upon. (Gov. Code § 11125.) The agenda must be made available to the public, and state bodies cannot discuss or take action on items not listed on the agenda, with limited exceptions for emergency situations. (Gov. Code § 11125.) State bodies must conduct their meetings openly, ensuring that members of the public can attend and participate without any restrictions based on race, gender, disability, or other discriminatory factors. (Gov. Code § 11123.) The act also requires state bodies to provide reasonable accommodations for individuals with disabilities, ensuring accessibility to meetings and materials. (Gov. Code § 11123.1.) The public has the right to address state bodies on any agenda item before or during the meeting. (Gov. Code § 11125.7.) State bodies must provide opportunities for public comment and cannot prohibit criticism of their policies, procedures, or actions. (*Id.*) They may, however, impose reasonable time limits on public comments to maintain order and facilitate the conduct of business. (*Id.* at subd. (b).)

In 2004, the right of public access was enshrined in the California Constitution with the passage of Proposition 59 (Nov. 3, 2004, statewide general election),¹² which amended the California Constitution to specifically protect the right of the public to access the meetings of public bodies: "The people have the right of access to information concerning the conduct of the people's business, and therefore the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny." (Cal. Const., art. I, sec. 3 (b)(1).) The California Constitution requires a statute to be broadly construed if it furthers the people's right of access, and narrowly construed if it limits the right of access, and requires a statute that limits the public's

¹² Prop. 59 was placed on the ballot by a unanimous vote of both houses of the Legislature. (SCA 1 (Burton, Ch. 1, Stats. 2004).)

right of access to be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest. (Cal. const. art. I, § 3(b)(1).)

This bill exempts the working group from Bagley-Keene and provides that this limitation on the access to public meetings is necessary to ensure diverse and expert input in the creation of antidiscrimination media campaigns.

6. Concerns

The Arc and United Cerebral Palsy California Collaboration and the California Alliance for Retired Americans write that they would support the bill if amended to address to two issues. First, they ask that the meetings of the working group be made open to the public as an advisory body under Bagley-Keene. They note the working group's aims are to change public opinion and attitudes and will cost the state millions of dollars. Second, they have concerns that the DOJ's annual hate crime report does not capture anti-disability hate crime data accurately and would like the California Health Interview Survey, conducted by the UCLA Center for Health Policy Research in consultation with CRD, to be used as data in creating the media campaigns under the bill. As the bill moves through the legislative process, the author may wish to amend the bill to address these concerns.

7. Statements in support

The California Legislative LGBTQ Caucus, the sponsor of the bill, writes in support stating:

[...]According to the most recent Hate Crimes Report released by the Attorney General's (AG) office, reported hate crime events in California decreased by 7.1% from 2,120 in 2022 to 1,970 in 2023. While hate crimes have more recently decreased in California, the AG's hate crimes report has noted hate crimes and hate incidents have increased against members of the LGBTQ+ community, especially amongst transgender, gender nonconforming/non-binary, and intersex people.

While there are serious efforts to combat hate crimes from the California Department of Justice and through other community investments, these efforts do not outpace the harm caused by the continued increase in hate crimes against marginalized communities, including but not limited to the LGBTQ+ community, and given the increase in hate speech, hate incidents, and hate crimes targeting marginalized community members, including but not limited those in the LGBTQ+ community.

AB 449 takes action to combat discrimination and hate crimes through powerful media campaigns that send a clear message that hate and discrimination is not welcome in California.

SUPPORT

Association of California State Employees With Disabilities
Equality California
Stop AAPI Hate

OPPOSITION

None received

RELATED LEGISLATION

Pending Legislation: None known.

Prior Legislation:

AB 1079 (Jackson, 2024) was substantially similar to this bill. AB 1079 was vetoed by the Governor who stated, "I share the author's objective to reduce hate crime and discrimination in California, which is why we have funded a comprehensive strategy to fight hate violence and discrimination in the budget. Specifically, the State has invested \$150 million for a multi-year grant program to support community services for victims and survivors of hate acts across impacted communities as informed by public data. The State, additionally, established the Commission on the State of Hate to assess data on hate crimes in California, provide resources for victims, and make policy recommendations to better protect civil rights, and announced the launch of CA vs. Hate, a new statewide hotline to report hate acts in California and connect victims with services, among other efforts.[...] With our state facing continuing economic risk and revenue uncertainty, it is important to remain disciplined when considering bills with significant fiscal implications, such as this measure."

AB 1126 (Bloom, Ch. 712, Stats. 2021) created the Commission on the State of Hate, which establishes a commission with a similar structure to the working group established by this bill to specifically provide resources and assistance with other state agencies and local law enforcement and the public on the state of hate crimes and trends, to engage in fact-finding and data collection on hate crimes, and to advise the Legislature, Governor, and state agencies on policy recommendations to prevent hate.

PRIOR VOTES

Assembly Floor (Ayes 66, Noes 1)
Assembly Appropriations Committee (Ayes 11, Noes 0)
Assembly Judiciary Committee (Ayes 10, Noes 0)
