

Date of Hearing: April 8, 2025

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Alex Lee, Chair

AB 822 (Elhawary) – As Amended March 24, 2025

SUBJECT: Commission on the State of Hate

SUMMARY: Extends the sunset of the Commission on the State of Hate (Commission) to January 1, 2031, and extends the final Annual State of Hate Commission Report due date to July 1, 2030.

EXISTING LAW:

- 1) Establishes, until January 1, 2027 and upon appropriation of the Legislature, the Commission on the State of Hate in state government and prescribes the goals of the Commission, which include providing resources to various state agencies and the public to inform them on the state of hate and advising the Legislature, the Governor, and state agencies on policy recommendations to promote inter-social education designed to foster mutual respect and understanding among California’s diverse population. Further, requires an Annual State of Hate Commission Report to be submitted to the Legislature until 2026. (Government Code [GOV] § 8010)
- 2) Recognizes that all people are by nature free and independent and have inalienable rights, including enjoying and defending life and liberty; acquiring, possessing, and protecting property; and pursuing and obtaining safety, happiness, and privacy. (Cal. Const., art. I, § 1)
- 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, ethnicity, religion, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics. (Penal Code [PEN] § 422.55)
- 4) Makes it a crime to, whether or not acting under the color of law:
 - a) By force or threat of force willfully injure, intimidate, interfere with, oppress, or threaten any other person in the free exercise or enjoyment of any right or privilege secured to them by the Constitution or laws of this state or by the Constitution or laws of the United States in whole or in part because of one or more of the actual or perceived characteristics listed above.
 - b) Knowingly deface, damage, or destroy the real or personal property of any other person for the purpose of intimidating or interfering with the free exercise or enjoyment of any right or privilege secured to the other person by the Constitution or laws of this state or by the Constitution or laws of the United States, in whole or in part because of one or more of the actual or perceived characteristics of the victim listed above. (PEN § 422.6)
- 5) Imposes additional punishment for other crimes committed as hate crimes. (PEN §§ 422.7-422.77.)

- 6) Requires the Attorney General to direct local law enforcement agencies to report to the Department of Justice (DOJ) information requested by the Attorney General related to hate crimes. The Department of Justice shall annually update its OpenJustice Web portal with the hate crime information obtained. (PEN § 13023)
- 7) Establishes various commissions within the state government, including:
 - a) The Commission on the Status of Women and Girls, which studies policy areas relating to gender equity and acts as an information center on issues that affect the lives of women and girls. (GOV §§ 8240 *et seq.*)
 - b) The Commission on Asian and Pacific Islander American Affairs, which advises the Governor, the Legislature, and state agencies, departments, and commissions on issues relating to the social and economic development, and the rights and interests of Asian and Pacific Islander American communities and on how to respond most effectively to the views, needs, and concerns of those communities. (GOV §§ 8255 *et seq.*)
 - c) The Healthy California for All Commission, an independent body to develop a plan for California's health care system that includes options for providing coverage and access through a unified financing system. (Health and Safety Code §§ 1000 *et seq.*)
 - d) The California Commission on Aging, which serves as the principal advocate body in the state on behalf of older individuals, including, but not limited to, advisory participation in the consideration of all legislation and regulations made by state and federal departments and agencies relating to programs and services that affect older individuals. (WIC §§ 9200 *et seq.*)

FISCAL EFFECT: Unknown, this bill has not been analyzed by a fiscal committee.

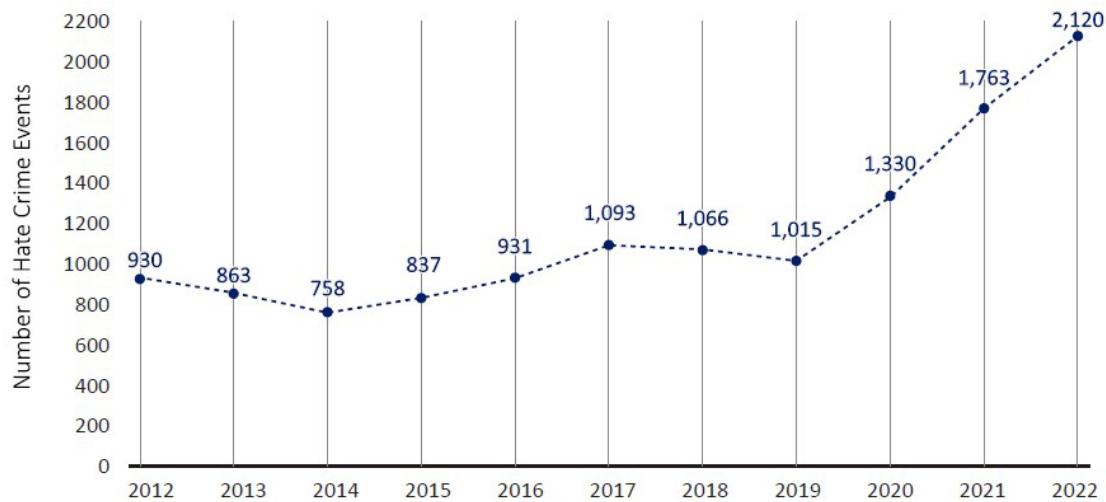
COMMENTS:

Background: In response to a wave of hate crime reports in California, the Commission was established by Assembly Bill 1126 (Bloom), Chapter 712, Statutes of 2021, and funding was appropriated in the Budget Act of 2022. The Commission is tasked with understanding the state of hate in California and developing recommendations for preventing and responding to hate activity. Specifically, the Commission is tasked with monitoring trends in hate activity in the state, engaging in research on hate activity, increasing awareness of the state of hate through public forums and collaborations, and advising local governments, the Governor, the Legislature, and communities on how to prevent and respond to hate activity. The Commission hosts at least four community forums annually on the state of hate in California. The Commission also releases an Annual State of Hate Commission Report that describes its activities from the previous year and its recommendations for the following year. These reports will cease in 2026, and the Commission is set to sunset in 2027.

The Commission has released two reports. The first report released outlined the Commission's strategic plan and the three strategic goals: 1) provide a comprehensive accounting of hate activity in California; 2) develop recommendations for reducing hate crimes; and 3) develop recommendations for enhancing the resources and support for people and communities affected by hate. The report further details the work needed to accomplish the stated goals.

The last published report captured 2023-24 with 132 pages and six chapters that includes a compilation and review of existing data on prevalence of hate in California; highlights gaps in existing resources and support in California, approaches to preventing hate, summary of activities of the Commission, and future plans for the following year. Of note, the report found a significant rise in hate crime events over the last decade.

Number of Hate Crime Events in California (2012-2022)



Source: California Department of Justice

The 2023-24 report identified the following interim recommendations before the final report due on July 1, 2026:

- Invest in Evidence-Based School Interventions and Public Messaging Campaigns to Prevent Hate.
- Support Research and Data Collection on Prevention Initiatives.
- Support Collaborations between Researchers, Policymakers, and Practitioners.
- Incorporate Prevention Messages into Public Statements.
- Prepare Californians Before Hate Occurs.

Author’s Statement: 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 [this bill] 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.”

Equity Implications: The 2023-24 Annual State of Hate Commission Report found the following: In 2022, though only 6.5% of California’s population was Black or African American, over 30% of all reported hate crime events in California were committed against a person because they were Black or African American, according to the DOJ report. In 2022, anti-transgender and anti-sexual orientation hate crimes reported to law enforcement in California

reached their highest levels since at least 2013. Between November 2022 and November 2023, two-thirds of all transgender and non-binary victims of fatal violence were transgender women of color. More than half of the victims were black transgender women. Reported anti-Latine hate crime events increased by 7% between 2021 and 2022.

In sum, hate crimes and events are still prevalent in communities. This Commission and its reports seek to move society toward equity. *The bill* seeks to preserve the creation of a space to openly discuss data trends, possible solutions, and challenges.

RELATED AND PRIOR LEGISLATION:

AB 1126 (Bloom) Chapter 712, Statutes of 2021, established the Commission on the State of Hate.

REGISTERED SUPPORT / OPPOSITION:

Support

California Legislative LGBTQ Caucus
Equality California

Opposition

None on file.

Analysis Prepared by: Alexandria Smith / HUM. S. / (916) 319-2089