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AB-3024 Civil rights. (2023-2024)

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AMENDED IN ASSEMBLY APRIL 22, 2024

AMENDED IN ASSEMBLY APRIL 03, 2024

AMENDED IN ASSEMBLY MARCH 18, 2024

CALIFORNIA LEGISLATURE— 2023–2024 REGULAR SESSION

ASSEMBLY BILL

NO. 3024

Introduced by Assembly Member Ward

(Coauthors: Assembly Members ~~Bauer-Kahan~~ *Bauer-Kahan, Gabriel*, and McKinnor)*(Coauthors: Senators Allen, Becker, Glazer, Newman, Rubio, Stern, and Wiener)*

February 16, 2024

An act to amend Section 51.7 of the Civil Code, relating to civil ~~law~~ *law, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 3024, as amended, Ward. Civil rights.

Existing law, the Ralph Civil Rights Act of 1976, affords all persons within the jurisdiction of this state the right to be free from any violence, or intimidation by threat of violence, committed against their persons or property because of political affiliation, any specified personal characteristic, or position in a labor dispute, or because another person perceives them to have one or more of those characteristics. Existing law specifies that whoever denies this right, or aids, incites, or conspires in that denial, is liable for each and every offense for the actual damages suffered by any person denied that right and, in addition, exemplary damages, a civil penalty of \$25,000, and attorney's fees. Existing law authorizes a person claiming to be aggrieved by an alleged unlawful practice in violation of this right to also file a verified complaint with the Civil Rights Department. Existing law defines the phrase "intimidation by threat of violence" for purposes of this provision.

This bill would expand the definition of "intimidation by threat of violence" for purposes of these provisions to also include distribution of hateful materials on the private property of another without authorization for the purpose of terrorizing, as defined, the owner or occupant of that private property.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ~~majority~~ *2/3* Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 51.7 of the Civil Code is amended to read:

51.7. (a) This section shall be known, and may be cited, as the Ralph Civil Rights Act of 1976.

(b) (1) All persons within the jurisdiction of this state have the right to be free from any violence, or intimidation by threat of violence, committed against their persons or property because of political affiliation, or on account of any characteristic listed or defined in subdivision (b) or (e) of Section 51, or position in a labor dispute, or because another person perceives them to have one or more of those characteristics. The identification in this subdivision of particular bases of discrimination is illustrative rather than restrictive.

(2) For purposes of this subdivision, "intimidation by threat of violence" includes, but is not limited to, making or threatening to make a claim or report to a peace officer or law enforcement agency that falsely alleges that another person has engaged in unlawful activity or in an activity that requires law enforcement intervention, knowing that the claim or report is false, or with reckless disregard for the truth or falsity of the claim or report.

(3) For purposes of this subdivision, "intimidation by threat of violence" includes, but is not limited to, distribution of hateful materials on the private property of another without authorization for the purpose of terrorizing the owner or occupant of that private property.

(4) For purposes of this subdivision, "terrorize" means to cause a person of ordinary emotions and sensibilities to fear for personal safety.

(c) (1) A person shall not require another person to waive any legal right, penalty, remedy, forum, or procedure for a violation of this section, as a condition of entering into a contract for goods or services, including the right to file and pursue a civil action or complaint with, or otherwise notify, the Attorney General or any other public prosecutor, or law enforcement agency, the Civil Rights Department, or any court or other governmental entity.

(2) A person shall not refuse to enter into a contract with, or refuse to provide goods or services to, another person on the basis that the other person refuses to waive any legal right, penalty, remedy, forum, or procedure for a violation of this section, including the right to file and pursue a civil action or complaint with, or otherwise notify, the Attorney General or any other public prosecutor, or law enforcement agency, the Civil Rights Department, or any other governmental entity.

(3) Any waiver of any legal right, penalty, remedy, forum, or procedure for a violation of this section, including the right to file and pursue a civil action or complaint with, or otherwise notify, the Attorney General or any other public prosecutor, or law enforcement agency, the Civil Rights Department, or any other governmental entity shall be knowing and voluntary, in writing, and expressly not made as a condition of entering into a contract for goods or services or as a condition of providing or receiving goods and services.

(4) Any waiver of any legal right, penalty, remedy, forum, or procedure for a violation of this section that is required as a condition of entering into a contract for goods or services shall be deemed involuntary, unconscionable, against public policy, and unenforceable. This subdivision does not affect the enforceability or validity of any other provision of the contract.

(5) A person who seeks to enforce a waiver of any legal right, penalty, remedy, forum, or procedure for a violation of this section has the burden of proving that the waiver was knowing and voluntary and not made as a condition of the contract or of providing or receiving the goods or services.

(6) The exercise of a person's right to refuse to waive any legal right, penalty, remedy, forum, or procedure for a violation of this section, including a rejection of a contract requiring a waiver, does not affect any otherwise legal terms of a contract or an agreement.

(7) This subdivision does not apply to an agreement to waive any legal rights, penalties, remedies, forums, or procedures for a violation of this section after a legal claim has arisen.

(8) This subdivision applies to an agreement to waive any legal right, penalty, remedy, forum, or procedure for a violation of this section, including an agreement to accept private arbitration, entered into, altered, modified, renewed, or extended on or after January 1, 2015.

(d) This section does not apply to statements concerning positions in a labor dispute that are made during otherwise lawful labor picketing.

(e) The Legislature finds and declares that this section was enacted as part of the Ralph Civil Rights Act of 1976, in Chapter 1293 of the Statutes of 1976.

(f) This section does not negate or otherwise abrogate the provisions of Sections 1668, 1953, and 3513.

SEC. 2. *This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:*

In order to address the rapidly growing trend of hate littering incidents in the community, deter future incidents, and give victims the recourse needed to recover from their trauma as soon as possible, it is necessary that this act go into effect immediately.