

File No. 240568

Committee Item No. _____

Board Item No. 48

COMMITTEE/BOARD OF SUPERVISORS

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Date: _____

Board of Supervisors Meeting

Date: June 4, 2024

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Prepared by: Jocelyn Wong

Date: May 31, 2024

Prepared by: _____

Date: _____

1 [Supporting California State Assembly Bill No. 3024 (Ward) - The Stop Hate Littering Act]

2

3 **Resolution supporting California State Assembly Bill No. 3024, introduced by**
4 **Assembly Member Chris Ward, to expand the definition of “intimidation by threat of**
5 **violence” under the Ralph Civil Rights Act of 1976 and address the distribution of**
6 **hateful materials on private property without authorization.**

7

8 WHEREAS, Hate littering, including the distribution of flyers, posters, or symbols
9 with hateful messaging targeting protected communities, has become a prevalent tactic
10 used by hate groups to intimidate and terrorize individuals based on their religion, gender,
11 sexual orientation, or other characteristics; and

12 WHEREAS, This form of propaganda has become a preferred tactic for ill-actors
13 because it maximizes personal impact while allowing the perpetrators to remain
14 anonymous, thereby contributing to a climate of fear and division within communities
15 nationwide; and

16 WHEREAS, In recent years, the state of California has witnessed a disturbing rise in
17 such incidents, with the Anti-Defamation League documenting more than 3,600 anti-Semitic
18 acts of assault, vandalism, and harassment in 2023 alone - the highest year on record
19 since tracking began in 1979; and

20 WHEREAS, Hateful crimes continue to rise over recent years, spewing bigotry and
21 racial bias against varied ethnic and religious groups in cities across the state; and

22 WHEREAS, Released by Attorney General Rob Bonta, the annual Hate Crime in
23 California Report for 2022 reported a 20% increase in hate motivated crime events from
24 2021 to 2022, and the tactic of hate littering is directly employed in these instances, proving

25

1 extremely hard for law enforcement to prosecute because it currently exists in a legal gray
2 area; and

3 WHEREAS, Assembly Bill No. 3024 (AB 3024) proposes necessary updates to
4 existing laws of the 1976 Ralph Civil Rights Act by expanding the definition of “intimidation
5 by threat of violence” to include the unauthorized distribution of hateful materials on private
6 property, thereby ensuring victims are provided with adequate protections, civil recourse,
7 and new legal tools for law enforcement to hold offenders accountable and deter further
8 hate acts; and

9 WHEREAS, The bill declares the need to take effect immediately as an urgency
10 statute in order to provide prompt protections and justice for those affected by hate littering;
11 and

12 WHEREAS, The Stop Hate Littering Act is sponsored by the Anti-Defamation
13 League and supported by civil rights organizations and local elected officials, recognizing
14 the urgency to combat these cowardly acts of hate and division; now, therefore, be it

15 RESOLVED, That the Board of Supervisors of the City and County of San Francisco
16 hereby expresses its strong support for Assembly Bill No. 3024 and commends Assembly
17 Member Chris Ward and all supporting parties for their leadership in tackling the spread of
18 hate and division through any medium of distribution; and, be it

19 FURTHER RESOLVED, That the Clerk of the Board shall send a copy of this
20 Resolution to Governor Gavin Newsom, President pro Tempore Mike McGuire, Speaker of
21 the State Assembly Robert Rivas, State Senator Scott Wiener, Assembly Member Matt
22 Haney, Assembly Member Phil Ting, and Assembly Member Christopher Ward to signify
23 the Board’s endorsement and encouragement for the swift passage and implementation of
24 this critical legislation.

25


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AB-3024 Civil rights. (2023-2024)

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Date Published: 04/22/2024 09:00 PM

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.

From: [Rosas, Lorenzo \(BOS\)](#)
To: [BOS Legislation, \(BOS\)](#)
Cc: [Stefani, Catherine \(BOS\)](#); [Logan, Sam \(BOS\)](#)
Subject: AB 3024 Support Resolution Introduction
Date: Wednesday, May 22, 2024 11:03:02 AM
Attachments: [AB 3024 Support Resolution.doc](#)
[AB 3024 Support Resolution.pdf](#)
[SCS Introduction Form - AB 3024 \(2024\) Support Resolution.pdf](#)
[Bill Text - AB-3024 Civil rights .pdf](#)

Hello,

Please see attached documents for the introduction of a support resolution for AB 3024.

The California State Association of Counties and the League of California Cities have **not** taken a position on the bill.

Since the item is requested to be placed on the For Adoption Without Committee Reference of the agenda, pursuant to Board Rule 2.1.2, **I am confirming** that these matters are routine, not contentious in nature, and of no special interest.

Please let me know if there are any questions about this resolution introduction! Thank you!

Best,

Lorenzo Rosas | Legislative Aide
Office of Supervisor Catherine Stefani
San Francisco Board of Supervisors, District 2
City Hall, Room 273
(415) 554-7752
www.sfbos.org/Stefani

Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
2. Request for next printed agenda Without Reference to Committee.
3. Request for hearing on a subject matter at Committee.
4. Request for letter beginning : "Supervisor inquiries"
5. City Attorney Request.
6. Call File No. from Committee.
7. Budget Analyst request (attached written motion).
8. Substitute Legislation File No.
9. Reactivate File No.
10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Subject:

The text is listed:

Signature of Sponsoring Supervisor:

For Clerk's Use Only