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GOVERNMENT CODE - GOV

TITLE 2. GOVERNMENT OF THE STATE OF CALIFORNIA [8000 - 22980] (Title 2 enacted by Stats. 1943, Ch. 134.)

DIVISION 1. GENERAL [8000 - 8899.95] (Division 1 enacted by Stats. 1943, Ch. 134.)

CHAPTER 1.1. Commission on the State of Hate [8010 - 8011] (Chapter 1.1 added by Stats. 2021, Ch. 712, Sec. 1.)

8010. (a) There is hereby established in state government the Commission on the State of Hate. The commission shall be composed of nine members, as follows:

- (1) Five members appointed by the Governor.
- (2) Two members appointed by the Speaker of the Assembly.
- (3) Two members appointed by the Senate Committee on Rules.

(b) Appointments to the commission shall be considered among individuals who possess professional experience, expertise, or specialized knowledge in combating hate, intolerance, and discrimination on the basis of sex, color, race, gender, religion, ancestry, national origin, disability, medical condition, marital status, sexual orientation, citizenship, primary language, immigration status, or genetic information, including and especially persons who serve in human relations and community service positions, social scientists, researchers, data scientists, or other related civilian capacities.

(c) The members of the commission shall serve at the pleasure of the appointing power and shall be appointed for terms of four years, except those who are first appointed, who shall serve for the following terms:

- (1) Three members appointed by the Governor, one member appointed by the Speaker of the Assembly, and one member appointed by the Senate Committee on Rules shall be appointed for a term of three years.
- (2) Two members appointed by the Governor, one member appointed by the Speaker of the Assembly, and one member appointed by the Senate Committee on Rules shall be appointed for a term of four years.

(d) The members shall elect one of their number to serve as chairperson of the commission.

(e) (1) The commission may appoint officers from its membership and form advisory committees, as needed, in order to carry out and fulfill its duties under this subdivision. The commission shall determine the powers and duties of appointed officers and advisory committee chairpersons.

(2) Any advisory committee formed by the commission shall be led by an advisory chairperson, who is a member of the commission, and may be comprised of member or nonmember advisers who possess specialized knowledge or experience to inform the work and further the goals of the commission, ensure that the work of the commission reflects the current experience of the state's diverse population and communities, and promulgate the recommendations, practices, strategies, tools, and resources developed by the commission.

(f) (1) Members of the Legislature shall serve on the commission as ex officio members without vote and shall participate in the activities of the commission to the extent that their participation is not inconsistent with their legislative duties.

(2) The Attorney General or their designee shall serve on the commission as an ex officio nonvoting member and shall participate in the activities of the commission to the extent that their participation is not inconsistent with their duties.

(3) The Director of the Office of Emergency Services or their designee shall serve on the commission as an ex officio nonvoting member and shall participate in the activities of the commission to the extent that their participation is not inconsistent with their duties.

- (g) Members of the commission may select representatives to attend commission activities if they are unable to attend.
- (h) (1) A member appointed pursuant to subdivision (c) may receive a per diem of one hundred dollars (\$100) for each public meeting of the commission and each community forum of the commission that they attend and shall be entitled to reimbursement for expenses.
- (2) Legislative members, ex officio members, and nonmember advisers of the commission shall not be entitled to any per diem or reimbursement for expenses incurred while engaging in commission activities.
- (i) The commission shall have the following goals:
- (1) Provide resources and assistance to the Department of Justice, 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.
- (2) Engage in fact finding, data collection, and the production of annual reports on the state of hate and hate-related crimes.
- (3) Collaborate with other subject-matter experts in the fields of hate, public safety, and other related fields to gain a deeper understanding to monitor and assess trends relative to the state of hate or hate-related crime.
- (4) Advise the Legislature, the Governor, and state agencies on policy recommendations to do all of the following:
- (A) Promote intersocial education designed to foster mutual respect and understanding among California's diverse population.
- (B) Suggest and prescribe recommended training for state officials and staff to recognize and address dangerous acts of hate and intolerance.
- (C) Advise on related matters periodically.
- (j) The commission shall host and coordinate a minimum of four in-person or virtual community forums on the state of hate per year. The forums shall be open to the public. Each forum shall focus on local, state, and national evolving trends relative to the state of hate or hate-related crime and include presentations from subject-matter experts.
- (k) Notwithstanding Section 10231.5, the commission shall issue an Annual State of Hate Commission Report to the Governor and the Legislature, by July 1 of each year, that describes its activities for the previous year, and its recommendations for the following year. The report shall be made publicly available. The first such annual report shall be made available by July 1, 2023.
- (1) For the Annual State of Hate Commission Report that is due by and after July 1, 2026, the commission shall prepare a report that includes all of the following:
- (A) A comprehensive accounting of hate crime activity statewide and report on relevant national hate crime trends and statistics.
- (B) Recommendations to improve the practices, resources, and relevant trainings available to and used by law enforcement statewide to respond to and reduce instances of hate crimes.
- (C) Recommendations for actions to be taken by the Governor and the Legislature, including, but not limited to, policy solutions and legislation that will help the state respond to and reduce instances of hate crimes.
- (D) Recommendations for actions to be taken by communities that will help respond to and reduce instances of hate crimes.
- (E) Information on existing tools, practices, resources, and trainings that have proven successful in other states and countries that may be implemented by state law enforcement, the Governor, the Legislature, relevant state departments and agencies, and communities throughout the state in order to respond to and reduce instances of hate crimes.
- (2) For the Annual State of Hate Commission Report that is due by July 1, 2024, and July 1, 2025, the commission shall prepare a report that includes the information described in subparagraphs (A) to (E), inclusive, of paragraph (1) only to the extent that information is available.
- (3) For purposes of this subdivision, "hate crime" has the same meaning as defined in Section 422.55 of the Penal Code.
- (4) Data acquired pursuant to this subdivision shall be used for research or statistical purposes and may not disclose any personal information that may reveal the identity of an individual.
- (l) Notwithstanding Section 10231.5, the commission shall report to the Legislature annually through the Joint Committee on Rules on the work of the commission beginning on July 1, 2023.
- (m) All reports submitted to the Legislature pursuant to this section shall be submitted in compliance with Section 9795.

(n) In all its activities, the commission shall 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.

(o) The commission may seek, apply for, or accept funding from sources other than the General Fund to help carry out and achieve the goals of the commission, including, but not limited to, the following:

(1) Federal funds granted, by act of Congress or by executive order, for the purposes of this chapter.

(2) Federal grant programs.

(Amended by Stats. 2023, Ch. 45, Sec. 3. (AB 127) Effective July 10, 2023. Repealed as of January 1, 2027, pursuant to Section 8011.)

8010.5. (a) This chapter shall not become operative until funding is appropriated by the Legislature in the Budget Act or any other measure for the purposes of this chapter.

(b) The commission shall post notice of the appropriation on the homepage of its internet website and send notice of the funding to the Secretary of State and the Legislative Counsel.

(Added by Stats. 2021, Ch. 712, Sec. 1. (AB 1126) Effective January 1, 2022. Repealed as of January 1, 2027, pursuant to Section 8011.)

8011. This chapter shall remain in effect only until January 1, 2027, and as of that date is repealed.

(Added by Stats. 2021, Ch. 712, Sec. 1. (AB 1126) Effective January 1, 2022. Repealed as of January 1, 2027, by its own provisions. Note: Repeal affects Chapter 1.1, commencing with Section 8010.)