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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 2. LEGISLATIVE DEPARTMENT [8902 - 10606] (Division 2 enacted by Stats. 1943, Ch. 134.)

PART 1. LEGISLATURE [8902 - 9937] (Part 1 enacted by Stats. 1943, Ch. 134.)

CHAPTER 1.5. General [9000 - 9149.41] (Heading of Chapter 1.5 renumbered from Chapter 1 by Stats. 1966, 1st Ex. Sess., Ch. 163.)

ARTICLE 12. Legislative Discriminatory Harassment Retaliation Prevention Act [9149.38 - 9149.41] (Article 12 added by Stats. 2018, Ch. 952, Sec. 2.)

9149.38. This article shall be known and may be cited as the Legislative Discriminatory Harassment Retaliation Prevention Act.
(Added by Stats. 2018, Ch. 952, Sec. 2. (SB 419) Effective September 30, 2018.)

9149.39. For purposes of this article, the following terms have the following meanings:

(a) "Discriminatory harassment" means harassment based on race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status.

(b) "Legislative advocate" means an individual whose activities include communicating directly or through his or her agent with a Member of the Legislature, or any officer or employee thereof, for the purpose of influencing legislative action.

(c) "Legislative employee" means an individual, other than a Member of the Legislature, who is, or has been, employed by either house of the Legislature. "Legislative employee" includes volunteers, interns, fellows, and applicants.

(Added by Stats. 2018, Ch. 952, Sec. 2. (SB 419) Effective September 30, 2018.)

9149.40. (a) A house of the Legislature shall not discharge, expel, or otherwise discriminate against a legislative advocate or a legislative employee because that person has opposed any practices forbidden under the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3), opposed any practice actionable under Section 51 or 51.9 of the Civil Code, or filed a complaint, testified, or assisted in any proceeding relating to a complaint of discriminatory harassment made pursuant to those laws. A vote of the house or the deliberation of legislative matters within its jurisdiction shall not be considered an act to discharge, expel, or otherwise discriminate against a legislative advocate or a legislative employee for purposes of this subdivision.

(b) A violation of this section is subject to a fine not to exceed ten thousand dollars (\$10,000).

(c) This article does not limit either of the following:

(1) The application of any other rights or remedies under federal or state law.

(2) The authority conferred upon the Attorney General, any state or federal law enforcement agency, or any other commission, department, or agency authorized to investigate the Legislature.

(d) The civil fine imposed under this article is in addition to those provided by any other federal or state law, including Section 1102.5 of the Labor Code and the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code).

(Added by Stats. 2018, Ch. 952, Sec. 2. (SB 419) Effective September 30, 2018.)

9149.41. Each house of the Legislature shall implement a system to maintain a record of each discriminatory harassment complaint made to that house for a period of at least 12 years after the complaint is made.

