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AB-1315 California American Freedmen Affairs Agency. (2025-2026)

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Date Published: 02/21/2025 09:00 PM

CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

ASSEMBLY BILL

NO. 1315

Introduced by Assembly Member Essayli

February 21, 2025

An act to amend Sections 11041 and 12800 of, and to add Part 15 (commencing with Section 16000) to Division 3 of Title 2 of, the Government Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

AB 1315, as introduced, Essayli. California American Freedmen Affairs Agency.

Former law, until July 1, 2023, established the Task Force to Study and Develop Reparation Proposals for African Americans, with a Special Consideration for African Americans Who are Descendants of Persons Enslaved in the United States.

Former law required the task force to, among other things, identify, compile, and synthesize the relevant corpus of evidentiary documentation of the institution of slavery that existed within the United States and the colonies, as specified, and to recommend the form of compensation that should be awarded, the instrumentalities through which it should be awarded, and who should be eligible for this compensation.

This bill would establish the California American Freedmen Affairs Agency as an agency within state government, to be headed by a secretary who is appointed by the Governor and subject to Senate confirmation, and would make conforming changes. The bill would specify that the purpose of the agency is to verify a resident's status as an American Freedman, as defined, and create and maintain an accurate database registry of American Freedmen residents.

This bill would require the agency to, upon appropriation by the Legislature, implement the provisions of this bill, including establishing, by July 1, 2027, the American Freedmen Genealogy Office within the agency to verify a resident's status as an American Freedmen and establishing the Office of Freedmen Legal Affairs to conduct and manage its legal affairs. The bill would require the secretary, with the assistance of agency staff, to, among other things, develop a mission statement and strategic plan for the agency, and a matrix and metrics of success for the offices of the agency. The bill would require the secretary, commencing on January 1, 2029, to report to the Legislature on a triennial basis on successes and challenges in meeting its goals.

This bill would require the Senate and Assembly to annually conduct hearings to review agency performance, investigate issues, and ensure agency accountability. The bill would require the secretary to appear at those hearings. The bill would require,

commencing January 1, 2028, and every 3 years thereafter, the agency to submit a report to the Legislature on its activities and performance. The bill would also require, commencing January 1, 2029, and every 5 years thereafter, through the California State Auditor, the Legislature to request performance and financial audits of the agency and make recommendations for improvement or corrective legislation.

This bill would prohibit personal information of American Freedmen residents obtained under this act from being shared outside the agency, except as necessary to fulfill the agency's purpose. The bill would also require interagency sharing of personal information about American Freedmen residents to be limited to demographics only, except as necessary to fulfill the agency's purposes. The bill would prohibit the agency from using any agency resources, including, but not limited to, agency funds, personnel, and infrastructure, to directly or indirectly participate or assist in law enforcement activity.

Existing law prohibits a state agency, with certain exceptions, from employing any in-house counsel to act on behalf of the state agency or its employees in any judicial or administrative adjudicative proceeding in which the agency is interested, or is a party as a result of office or official duties, or contracting with outside counsel for any purpose.

This bill would exempt the agency from those prohibitions.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

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

SECTION 1. Section 11041 of the Government Code is amended to read:

11041. (a) Section 11042 does not apply to the Regents of the University of California, the Trustees of the California State University, Legal Division of the Department of Transportation, Division of Labor Standards Enforcement of the Department of Industrial Relations, Workers' Compensation Appeals Board, Public Utilities Commission, State Compensation Insurance Fund, Legislative Counsel Bureau, Inheritance Tax Department, Secretary of State, State Lands Commission, Alcoholic Beverage Control Appeals Board (except when the board affirms the decision of the Department of Alcoholic Beverage Control), Department of Cannabis Control (except in proceedings in state or federal court), State Department of Education, Department of Financial Protection and Innovation, *California American Freedmen Affairs Agency*, and Treasurer with respect to bonds, nor to any other state agency which, by law enacted after Chapter 213 of the Statutes of 1933, is authorized to employ legal counsel.

(b) The Trustees of the California State University shall pay the cost of employing legal counsel from their existing resources.

SEC. 2. Section 12800 of the Government Code is amended to read:

12800. (a) There are ~~in~~ *within* the state government the following agencies: ~~Business, Consumer Services, and Housing; Transportation; California Environmental Protection; California Health and Human Services; Labor and Workforce Development; Natural Resources; Government Operations; and Corrections and Rehabilitation.~~

(1) Business, Consumer Services, and Housing.

(2) Transportation.

(3) California Environmental Protection.

(4) California Health and Human Services.

(5) Labor and Workforce Development.

(6) Natural Resources.

(7) Government Operations.

(8) Corrections and Rehabilitation.

(9) California American Freedmen Affairs.

(b) The secretary of an agency shall be generally responsible for the sound fiscal management of each department, office, or other unit within the agency. The secretary shall review and approve the proposed budget of each department, office, or other unit. The secretary shall hold the head of each department, office, or other unit responsible for management control over the administrative, fiscal, and program performance of ~~his or her~~ *the respective* department, office, or other unit. The secretary shall review the operations and evaluate the performance at appropriate intervals of each department, office, or other unit, and shall seek continually to improve the organization structure, the operating policies, and the management information systems of each department, office, or other unit.

SEC. 3. Part 15 (commencing with Section 16000) is added to Division 3 of Title 2 of the Government Code, to read:

PART 15. California American Freedmen Affairs Agency

16000. The Legislature finds and declares that the State of California requires an institution that identifies and recognizes American Freedmen who reside within the state, as well as their families, and their communities. Because American Freedmen are a foundational American population having made significant and unique contributions to the State of California since its inception, and continue to do so today, the state has a responsibility to recognize and identify this historic American population, in an effort to better target policies that serve the needs of this population.

16001. For purposes of this part:

(a) "Agency" means the California American Freedmen Affairs Agency.

(b) "Emancipated" means gaining freedom from slavery by or before 1865 by way of any of the following:

(1) The Thirteenth Amendment to the United States Constitution.

(2) The Emancipation Proclamation.

(3) Being contraband under the Confiscation Acts.

(4) Being a fugitive in accordance with clause 3 of Section 2 of Article IV of the United States Constitution or the Fugitive Slave Acts.

(5) Freedom suits.

(6) Gradual abolition.

(7) Emancipation in any state.

(8) Purchasing their own freedom.

(9) Manumission by owners.

(10) Enlisting and fighting for the patriots during the American Revolution.

(c) "Secretary" means the Secretary of the California American Freedmen Affairs Agency, as described in Section 16003.

(d) "American Freedman" means the legal and political status inherited by the posterity of the 4,000,000 freed men and women who were emancipated nationally from American chattel slavery.

(e) "Direct line" means matrilineal or patrilineal descent.

(f) "Resident" means a person who has established current residency in the state of California for at least six consecutive months.

16002. (a) The California American Freedmen Affairs Agency is hereby established within state government. The agency's purpose shall be to verify a resident's status as an American Freedman, and to create and maintain an accurate database registry of American Freedmen residents, as set forth in this part.

(b) The agency shall, upon appropriation by the Legislature, implement the provisions of this part.

(c) The Legislature shall exercise oversight authority over the agency as provided in this part.

16003. (a) The agency shall be under the direct control of a Secretary of the California American Freedmen Affairs Agency, appointed by the Governor, and subject to Senate confirmation. The secretary shall be responsible and accountable to the Legislature and the Governor.

(b) The secretary shall be responsible for all of the following:

- (1) Performing all duties vested in the agency by law.
- (2) Exercising all powers necessary to carry out the agency's purposes.
- (3) Faithfully discharging all responsibilities assigned under this part.

(c) The secretary shall, with the assistance of agency staff, do all of the following:

- (1) Develop a mission statement and strategic plan for the agency, and a matrix and metrics of success for the offices of the agency.
- (2) Assist other state agencies in evaluating their programs for accessibility and effectiveness in providing services to American Freedmen residents.
- (3) Engage stakeholders inside and outside of government to identify key opportunities and challenges, and to communicate the critical importance and foundational role of state support for American Freedmen residents, their families, and communities.
- (4) Work directly with California-based media organizations, including those that historically serve American Freedmen communities in California, as well as new media organizations and entities, to fulfill the agency's purpose.
- (5) Notwithstanding Section 10231.5, commencing on January 1, 2029, report to the Legislature on a triennial basis on successes and challenges in meeting its goals. The report shall be submitted in compliance with Section 9795.

16004. (a) Notwithstanding Division 10 (commencing with Section 7920.000) of Title 1 and any other law, personal information of American Freedmen residents obtained under this part shall not be shared outside the agency, except as necessary to fulfill the agency's purpose.

(b) Interagency sharing of personal information about American Freedmen residents shall be limited to demographics only, except as necessary to fulfill the agency's purposes.

(c) The agency shall adhere to all applicable data protection laws in order to protect the personal information of American Freedmen residents.

(d) Notwithstanding any other law, the agency shall not use any agency resources, including, but not limited to, agency funds, personnel, and infrastructure, to directly or indirectly participate or assist in law enforcement activity.

16005. (a) The Senate and Assembly shall annually conduct hearings to review agency performance, investigate issues, and ensure agency accountability. The secretary shall appear at those hearings.

(b) Notwithstanding Section 10231.5, commencing January 1, 2028, and every three years thereafter, the agency shall submit a report to the Legislature on its activities and performance. The report shall be submitted in compliance with Section 9795.

(c) Commencing January 1, 2029, and every five years thereafter, through the California State Auditor, the Legislature shall request performance and financial audits of the agency and make recommendations for improvement or corrective legislation.

16006. The agency shall take all of the following actions:

- (a) Establish and maintain an accurate database registry of all American Freedmen residents.
- (b) Establish the American Freedmen Genealogy Office, as described in Section 16007.
- (c) Establish the Office of Freedmen Legal Affairs, as described in Section 16008.
- (d) Make contact with and verify residents' status as American Freedmen.
- (e) Engage with and educate American Freedmen residents about agency and state policies and resources available to them.
- (f) Coordinate and collaborate with the Legislature, the Governor, existing state agencies and departments, and California Colleges, Community Colleges, and Universities, to support the agencies goals.
- (g) Establish partnerships as necessary to fulfill its responsibilities under the law.

16007. By July 1, 2027, the agency shall establish the American Freedmen Genealogy Office to verify a resident's status as an American Freedmen. The office shall take all of the following actions:

(a) Create a process to verify resident's status as an American Freedman. The verification process of a resident's status as an American Freedmen shall include standards no less stringent than providing documentation showing that the individual has at least four nonlinear direct ancestors who were subject to chattel enslavement in the United States between the years of 1776 and 1865, and documentation showing the individual has a direct line of ancestors from an enslaved ancestor to the individual.

(b) Provide no-cost expert genealogical research services and related support to verify a resident's status as an American Freedman.

(c) Consult with professionally certified genealogical associations, genealogical organizations, and subject matter experts to fulfill its duties.

16008. By July 1, 2027, the agency shall establish the Office of Freedmen Legal Affairs to conduct and manage its legal affairs. The office shall take all of the following actions:

(a) Provide legal advice, counsel, and services to the agency, its officials, and the Legislature.

(b) Ensure the agency's programs comply with legislative authority.

(c) Serve as an external liaison on legal matters with other state agencies and entities.

SEC. 4. The Legislature finds and declares that Section 3 of this act, which adds Part 15 (commencing with Section 16000) to Division 3 of Title 2 of the Government Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

In order to protect the privacy of California residents, while also gathering and publicizing useful demographic data, it is necessary that personal identifying information remain confidential.