



**SB 1234 FACT SHEET 07.16.04**  
for questions - email: [email@eqca.org](mailto:email@eqca.org)  
phone: 415.581.0005

## **SB 1234: The Omnibus Hate Crimes Act of 2004**

**by Senator Sheila Kuehl**

Co-author: Assembly Member Judy Chu

Sponsor: Equality California

**The Omnibus Hate Crimes Act of 2004 will create a uniform definition of a hate crime, clarify the law, and provide tools to reduce such crimes.**

**STATUS: Passed Senate. Pending in Assembly Appropriations Committee.**

### **BACKGROUND**

According to the California Department of Justice, there were 1,957 hate crimes reported statewide in 2000. While California has some of the strongest hate crimes laws in the country, these laws are inconsistent, ambiguous, and sometimes contradictory. For example, current law does not clearly state whether hate-crime protections extend to victims who are targeted because of their associations with particular groups.

Moreover, there are no formal sentencing guidelines covering hate crimes, and only 49% of California law enforcement agencies maintain formal policies relating to such crimes. Current law enforcement trainings do not address the difficulties in working with homeless persons, nor do they take into account recent anti-Muslim/anti-Arab crime waves.

These shortcomings in the law and training protocol hinder law enforcement and the courts from effectively protecting those who are targeted because of their actual or perceived disability, gender, nationality, race or ethnicity, religion, sexual orientation, or association with a particular person or group.

SB 1234 would provide law enforcement and prosecutors with the resources to respond to hate crimes in a sensitive and efficient manner.

### **PURPOSE OF THE PROPOSED LEGISLATION**

**SB 1234** creates a uniform definition of "hate crime" and directs all state and local agencies to use it exclusively.

**SB 1234** directs the Commission on Peace Officer Standards and Training (POST) to develop and encourage all law-enforcement agencies to adopt a formal hate crime protocol, and directs POST to update and expand its basic hate-crimes training course.

**SB 1234** requires POST to address the special problems inherent in some categories of hate crimes, including preparation for and response to anti-Arab/Middle Eastern hate crimes.



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**SB 1234** directs POST to develop an officer-training course on crimes – including hate crimes – against homeless persons and how to deal effectively and humanely with homeless persons.

**SB 1234** directs law enforcement agencies to deliver the expanded course to their officers, beginning with the 57% who have never received the basic course.

**SB 1234** allows victims and prosecutors to sue hate-crime perpetrators.

**SB 1234** prohibits law-enforcement officers from turning hate-crime victims and witnesses over to federal immigration authorities for non-criminal immigration violations.

**SB 1234** provides that the principal goals of hate-crime sentencing are punishment, crime prevention, and restorative justice for victims and for the classes of persons terrorized by hate crimes.

**PARTIAL LIST OF REGISTERED SUPPORT**

Equality California (Sponsor)  
Anti-Defamation League  
California Attorney General Bill Lockyer  
California Church Impact  
California Council for the Blind, San Bernardino  
California Council for the Blind, Inland Empire  
California NOW  
California Teachers Association  
City of West Hollywood  
Commission on the Status of Women  
Community United Against Violence  
Crime Victims United of California  
Jewish Community Relations Council  
Lambda Letters Project  
Los Angeles Coalition to End Hunger and Homelessness

Metropolitan Community Church Los Angeles  
Mexican American Legal Defense and Educational Fund  
Muslim Public Affairs Council  
National Center for Lesbian Rights  
National Coalition for the Homeless  
Our Family Coalition  
Pride at Work, Southern California  
San Francisco LGBT Community Center  
Sikh Mediawatch and Resource Task Force  
Southern California Pride at Work  
Stonewall Democratic Club of Greater Sacramento  
Transgender Law Caucus  
Western Center on Law and Poverty