

AB 2706 (B. Lowenthal)

Violence Against the Homeless

BACKGROUND

There are an estimated 157,000 homeless people in California, perhaps the most vulnerable population in the state. They are more likely to suffer from mental and physical illness, and less likely to receive comprehensive medical treatment. Even worse, they are the population most likely to be the target of violent attacks. In the last year alone, homeless people have been set on fire, stabbed, shot, and beaten with baseball bats. California has the second-highest rate of violence against the homeless in the nation.

Young adults, primarily in their teens, are the most common perpetrators of violence against the homeless: 43% are between the ages of 13 and 19 and nearly 3 out of 4 of the attackers are under 25. While the motives for these attacks are not always clear, it is obvious that many were committed because the victim was homeless or because the homeless are more vulnerable.

The perpetrators may perceive the homeless as easy defenseless targets. They may see the homeless as second-class citizens, unworthy of respect or mercy. These criminals may prey on the homeless because they know the likelihood of suffering legal consequences from their actions is not as high as it would be if they assaulted another member of the community.

Many cities and states have done something to address this issue. California has attempted to add "homeless status" to the hate crimes list in the past. Unfortunately, due to the overcrowding of prisons this issue has failed.

THIS BILL

AB 2706 specifies that a homeless person has the right to be free from violence or intimidation, and that he or she can sue for enhanced civil penalties if an act of violence was committed against them because of their status as a homeless individual. This bill would also define "homeless status" for the purposes of these provisions.

OTHER CITIES & STATES

- Alaska added homeless status to a 2008 law creating more protection for vulnerable populations.
- Maine passed a law in 2006 that allows judges to take into consideration a victim's homeless status when considering sentencing for the offender.
- Cleveland passed an ordinance in 2008, making repercussions for "intimidation" and harassment more severe if these crimes are perpetrated against an individual because of his/her homeless status.
- Seattle amended the city's malicious harassment statute to criminalize malicious and intentional injury or threats against a person, or destruction of or damage to the person's property, because of the perception that the person is homeless.
- In May of 2009, Maryland added homeless persons to existing hate crime law.
- In August of 2009, Washington DC added homeless people to its hate crimes law.

SUPPORT

- Sponsor: Author

OPPOSITION

- None on file

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