



AB 2706 (LOWENTHAL): CIVIL RIGHTS: HOMELESS PERSONS

(INTRODUCED: FEBRUARY 19, 2010)

MARCH 2010

Introduction

The following is an analysis of AB 2706, the Civil Rights, Homeless Persons bill. This bill was introduced on February 19, 2010; and it is currently in the State Assembly awaiting a committee assignment.

Background

Existing law sets forth various personal rights and provides that all persons within California have the right to be free from violence, or intimidation by the threat of violence, and permits an individual whose personal rights have been interfered with to bring a civil action for damages, including actual damages, exemplary damages, attorney's fees, injunctive relief, and other appropriate relief.

Bill Summary

This bill gives homeless persons the right to bring forth civil action for damages sustained as a result of their homeless status if they have been the victim of a violent crime or were intimidated with the threat of violence. Several key elements included in this bill:

- Defines "homelessness" for the first time in State law. The definition is derived from the federal code for homelessness.
- Allows a homeless individual to bring forth civil action if the courts have handed down a criminal conviction for the incident.
- Applies only to civil penalties; does not impose criminal penalties.
- Provides no direct enforcement mechanism.

Current Protection Under Civil Code

Section 51(b) reads:

"All persons within the jurisdiction of this state are free and equal, and no matter what their sex, race, color, religion, ancestry, national origin, disability, medical condition, marital status, or sexual orientation are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever."

Section 51(e) reads:

"For purposes of this section [Section 51]:

(1) "Disability" means any mental or physical disability as defined Sections 12926 and 12926.1 of the Government Code.

(2) "Medical condition" has the same meaning as defined in subdivision (h) of Section 12926 of the Government Code.

(3) "Religion" includes all aspects of religious belief, observance, and practice.

(4) "Sex" has the same meaning as defined in subdivision (p) of Section 12926 of the Government Code.

(5) "Sex, race, color, religion, ancestry, national origin, disability, medical condition, marital status, or sexual orientation" includes a perception that the person has any particular characteristic or characteristics within the listed categories or that the person is associated with a person who has, or is perceived to have, any particular characteristic or characteristics within the listed categories.

Committee Analysis

The committee analysis for bill has not been posted. Formal support and/or opposition have not been announced.

Attachments

- ✓ Author's bill fact sheet
- ✓ Bill text as it was introduced

Legislative History

- Introduced in the State Assembly on February 19, 2010