

**REPORT OF THE
CHIEF LEGISLATIVE ANALYST**

DATE: November 14, 2018

TO: Honorable Members of the Rules, Elections, and Intergovernmental Relations Committee

FROM: Sharon M. Tso 
Chief Legislative Analyst

Council File No: 19-0002-S1
Assignment No: 18-11-1017

SUBJECT: Resolution (Rodriguez – Huizar) to support and/or sponsor legislation which would add persons experiencing homelessness to the list of those protected by California hate crime law

CLA RECOMMENDATION: Adopt Resolution (Rodriguez - Huizar) to include in the City's 2019 - 2020 State Legislative Program SUPPORT for and/or SPONSORSHIP of legislation which would add persons experiencing homelessness to the list of those protected by California's state hate crime law.

SUMMARY:

On October 10, 2018, a Resolution (Rodriguez – Huizar) was introduced to support and/or sponsor legislation which would add people experiencing homelessness to the list of those protected by the state hate crime law. The Resolution states that over recent months, there has been a series of brutal attacks targeting persons experiencing homelessness across the City. The Resolution further states that these individuals were targeted because of their housing status.

The Resolution states that current California law does not include housing status under its hate crime protections, even though attacks against those experiencing homelessness are a persistent problem. The Resolution, therefore seeks an official position of the City of Los Angeles to support and/or sponsor legislation which would add persons experiencing homelessness to the list of those protected by the State's hate crime law.

BACKGROUND

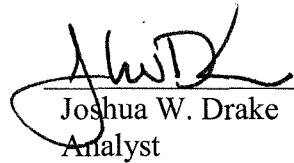
California Penal Code Section 422.55 defines "hate crime" to mean a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

- Disability;
- Gender;
- Nationality;
- Race or ethnicity;
- Religion;
- Sexual orientation; or
- Association with a person or group with one or more of these actual or perceived characteristics.

Current California law does not include hate crime protections for those experiencing homelessness, even though there are regular reports of individuals being targeted for attacks because of their housing status.

A 2015 report from the National Coalition for the Homeless (NCH) found that California led the nation in attacks targeting people experiencing homelessness. The report notes that, nationwide, the number of attacks against persons experiencing homelessness has increased over the years, even though crimes against the homeless are reported at lower rates than other crimes. Further, the NCH report notes that, since 1999, the number of fatal attacks on persons experiencing homelessness exceeds the combined number of deaths in hate crimes that targeted specific races, religions and sexual orientations.

Other states, including Maryland, Florida and Alaska, have broadened their definitions of hate crime to include protections based on housing status. In 2010, the California state legislature passed AB 2706 (Lowenthal) to extend hate crime protections to victims who were targeted based on their perceived housing status, but the bill was vetoed by Governor Schwarzenegger.



Joshua W. Drake
Analyst

SMT:jwd

Attachments: Resolution (Rodriguez – Huizar)

RESOLUTION

RULES, ELECTIONS, INTERGOVERNMENTAL RELATIONS

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, On September 30, 2018 a homeless man and woman were sleeping in Devonwood Park in Mission Hills when they were doused with acid, causing severe injuries to the pair; and

WHEREAS, from September 8 to September 24, another man killed four sleeping homeless men and seriously injured four others in Los Angeles and Santa Monica; and

WHEREAS, the victims in these crimes were explicitly targeted because they are experiencing homelessness; and

WHEREAS, California Penal Code Section 422.55 defines a hate crime as a criminal act committed, in whole or in part, because of the perceived characteristics of the victim; and

WHEREAS, the current definition of hate crime does not include housing status, even though attacks against those experiencing homelessness are a persistent problem; and

WHEREAS, the City of Los Angeles has a significant homeless population, and the City has a responsibility to protect them; and

WHEREAS, crimes targeting those experiencing homelessness should be classified as a hate crime in California;

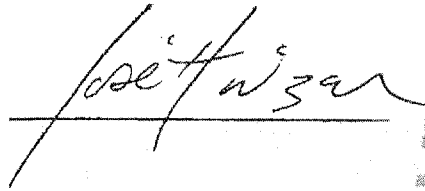
NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2019 - 2020 State Legislative Program SUPPORT and/or SPONSORSHIP of legislation which would add persons experiencing homelessness to the list of those protected by the State's hate crime law.

PRESENTED BY:



MONICA RODRIGUEZ
Councilmember, 7th District

SECONDED BY:



ORIGINAL

jwd

OCT 10 2018

