

# PRIDE REPORT 2024

CALIFORNIA DEPARTMENT OF JUSTICE  
**STATE OF PRIDE REPORT**

JUNE 2024



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# A MESSAGE FROM ATTORNEY GENERAL ROB BONTA

Here in the Golden State, we pride ourselves on being a bastion for inclusivity, diversity, and hope. But even in California, we continue to witness devastating attacks against our LGBTQ+ community – attacks that range from hate-filled words to intolerant policies and violent hate crimes. Despite progress we have made in recent decades, the fight for LGBTQ+ rights is far from over. In fact, it remains one of the greatest fights we must take on as a state, and as a nation. As the People’s Attorney, it is a fight I am proud to take on.

At California DOJ, we are actively combatting LGBTQ+ discrimination in any form, anywhere we see it. We are standing up for vulnerable LGBTQ+ young people, including fighting to protect a 13-year-old transgender boy who was barred from using the restroom that aligns with his gender identity and fighting to prevent school curriculum from excluding LGBTQ+ themed books and history. Our schools should be a safe haven for our youth – which is why we have sued to stop forced outing policies that threaten the safety and wellbeing of our students. We are standing up for the right to healthcare, including defending anti-discrimination protections for LGBTQ+ residents in long-term care facilities and fighting for access to gender-affirming healthcare. We will continue to take on any and all attempts to infringe on the rights of the LGBTQ+ community.

As this report makes clear, homophobia and transphobia can all-too-easily morph into something even more dangerous. For the second year in a row, hate crimes against California’s LGBTQ+ community have increased. Between 2022 and 2023, there were 405 reported hate crimes events motivated by sexual orientation bias, an increase of 4.1% from the previous year; 76 hate crimes motivated by anti-transgender or anti-gender-nonconforming bias, an increase of 7% from the previous year; and 151 hate crime events motivated by anti-LGBTQ+ bias, an increase of 86.4% from the previous year. This rise of hate is unacceptable, and we will not stand for it.

As California Attorney General, I am using the full force of my office to combat the crisis of hate threatening the LGBTQ+ community. I created our Office of Community Awareness and Engagement (CARE) to work on the ground, directly responding to the needs and concerns of our communities, to ensure all Californians have access to their Department of Justice. I created a Hate Crime Coordinator position that is laser-focused on this critical issue. And I have convened 13 hate crime roundtables across the state to bring together local leaders and identify how we can better collaborate to eradicate hate.

In this report, you will learn more about all of those efforts, see data on how California compares to the rest of the nation as it relates to protecting the LGBTQ+ community, find resources about LGBTQ+ rights, and learn what to do if you are the victim or witness of a hate crime.

The LGBTQ+ community is no monolith; it is made up of a rich spectrum of diverse identities and perspectives. Their collective strength and contributions to California cannot be understated – it is part of a vibrant history that is core to who we are as a state. This history and this community must be recognized, celebrated, and protected. As the People’s Attorney, I remain steadfast in my commitment to being an ally and to safeguarding the rights, freedoms, and wellbeing of our LGBTQ+ family, friends, and neighbors.

We will continue to stand firm against those who seek to dismantle the progress we have made and strip away our hard-fought freedoms. We will defy hate, because we know that love wins, every time. Happy Pride Month!



Rob Bonta



# STATE OF PRIDE

The LGBTQ+ community is a cornerstone in the rich cultural mosaic that defines California. Around 2.8 million people in this state identify as lesbian, gay, bisexual, or transgender – the largest number of any state in the nation.<sup>1</sup> Throughout history, our state has paved the way for the empowerment and advancement of the community.

The California Department of Justice is proud to celebrate its thriving LGBTQ+ community and to protect every person's right to live authentically. As an ally to the LGBTQ+ community, DOJ will continue to stand up for LGBTQ+ neighbors, friends, colleagues, and families across the country.



**2.8 million LGBTQ+ people in California**  
*The largest population of any state in the U.S.*

**9.5% of Californians identify as LGBTQ+**  
*A higher share than the rest of the nation*

**19.3% of those ages 18 to 29 identify as LGBTQ+**

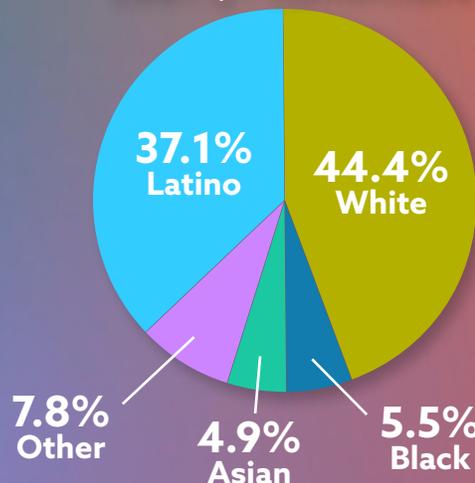
**85,104 same-sex married couples in CA**

## LGBTQ+ Adults in California

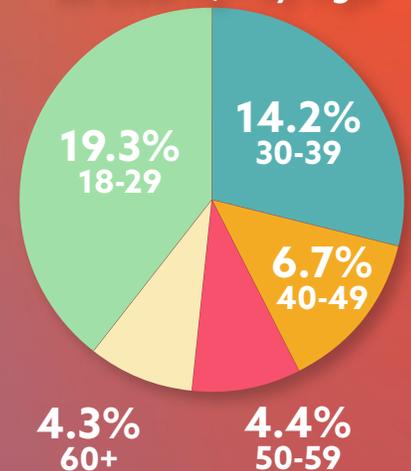
California's LGBTQ+ Population



Racial Composition of LGBTQ+ Californians



California Adults Identifying as LGBTQ+ by Age



<sup>1</sup> California's LGBTQ+ Population, Public Policy Institute of California. (June 2024), <https://www.ppic.org/blog/californias-lgbt-population/>

# A TIMELINE OF CALIFORNIA'S FIRSTS IN LGBTQ+ HISTORY

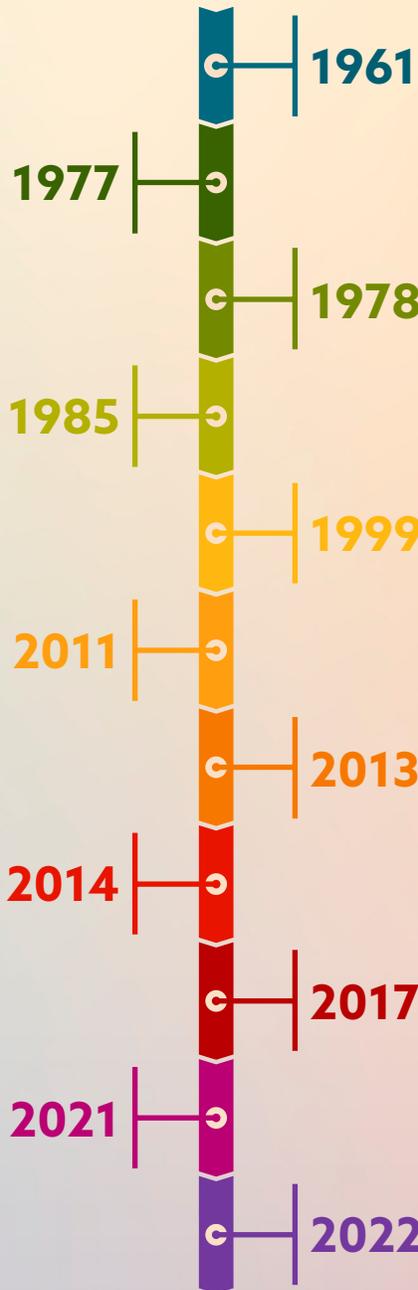
Harvey Milk becomes the first openly gay elected official in California and one of the first in the United States.<sup>3</sup>

The AIDS Quilt concept is conceived and implemented by Cleve Jones, an LGBTQ activist in San Francisco, to memorialize those lost to HIV/AIDS. It is considered the largest community arts project in history.<sup>5</sup>

With the passage of the landmark Fair, Accurate, Inclusive and Respectful Education (FAIR) Act, California becomes the first state in the nation to mandate the teaching of LGBTQ+ history.<sup>7</sup>

California becomes the first state in the U.S. to officially ban the use of “gay panic” and “transgender panic” defenses in murder trials.<sup>9</sup>

San Francisco becomes the first jurisdictional city in the world to officially and legally recognize Transgender History Month.<sup>11</sup>



1961

José Julio Sarria of San Francisco becomes the first openly gay candidate to run for public office in North America.<sup>2</sup>

1977

The iconic rainbow flag by queer activist Gilbert Baker is first flown during the San Francisco Gay and Lesbian Freedom Day Parade on June 25, 1978. The flag went on to become a worldwide symbol of gay and lesbian pride.<sup>4</sup>

1978

1985

California becomes the first state in the U.S. to legalize domestic partnerships between same-sex couples.<sup>6</sup>

1999

2011

Kris Perry and Sandy Stier — plaintiffs in a case that challenged Proposition 8, which had previously banned gay marriage in California — were married in San Francisco. This was the first same-sex marriage after a federal court struck down Proposition 8 as unconstitutional.<sup>8</sup>

2013

2014

California becomes the first state in the U.S. to require all single-occupancy public restrooms to be marked as gender-neutral.<sup>10</sup>

2017

2021

At least 10% of California lawmakers identify publicly as LGBTQ+, a first for any U.S. legislature.<sup>12</sup>

2022

2 California Museum, <https://californiamuseum.org/inductee/jose-julio-sarria/>

3 Howard University School of Law, A Brief History of Civil Rights in the United States: Harvey Milk, [https://library.law.howard.edu/civilrightshistory/lgbtq/harveymilk#:~:text=Harvey%20Milk%20\(1930%20%2D%201978\)&text=When%20he%20won%20the%20election,first%20in%20the%20United%20States.](https://library.law.howard.edu/civilrightshistory/lgbtq/harveymilk#:~:text=Harvey%20Milk%20(1930%20%2D%201978)&text=When%20he%20won%20the%20election,first%20in%20the%20United%20States.)

4 Peter-Astrid Kane, *Original rainbow Pride flag returns to its San Francisco home after 43 years*, The Guardian (June 2021), <https://www.theguardian.com/world/2021/jun/12/original-rainbow-pride-flag-returns-san-francisco>

5 National AIDS Memorial, *The History of the Quilt*, <https://www.aidsmemorial.org/quilt-history>

6 California Legislative Information, [https://leginfo.ca.gov/faces/billNavClient.xhtml?bill\\_id=199920000AB26](https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=199920000AB26)

7 Ericka Cruz Guevarra, *The Couple Who Helped Overturn California’s Same-Sex Marriage Ban*, KQED, <https://www.kqed.org/news/11970658/the-couple-who-helped-overturn-californias-same-sex-marriage-ban>

8 *About the FAIR Education Act*, Teaching LGBTQ History, <https://lgbtqhistory.org/about-fair-education-act>

9 Parker Marie Molloy, *California Becomes First State to Ban Gay, Trans ‘Panic’ Defenses*, Advocate (Sept. 2014), <https://www.advocate.com/crime/2014/09/29/california-becomes-first-state-ban-gay-trans-panic-defenses>

10 *Governor signs California “all gender” restroom bill* (Sept. 2016), Equality California, <https://www.eqca.org/gov-1732/>

11 Juwan J. Holmes, *San Francisco becomes first city to officially recognize Transgender History Month*, LGBTQ Nation (Aug. 2021), <https://www.lgbtqnation.com/2021/08/san-francisco-becomes-first-city-officially-recognize-transgender-history-month/>

12 Don Thompson, *In California, 10% of Legislature now identifies as LGBTQ*, Associated Press (Nov. 2022), <https://apnews.com/article/2022-midterm-elections-california-legislature-gender-identity-gay-rights-888ff8d45b817800e4c2231f6bb22377>

# CHALLENGES IN CALIFORNIA AND ACROSS THE NATION

The last few years have seen an unprecedented increase in attacks on the rights and safety of LGBTQ+ people in the United States — through both dangerous and discriminatory policies and rhetoric, and an increase in violence and hate crimes.

In 2023 alone, more than 500 anti-LGBTQ+ bills were introduced in U.S. state legislatures — a record-breaking number, and nearly three times higher than the count from 2022, which was the previous record.<sup>13</sup> This coordinated weaponizing of public policy further marginalizes, disenfranchises, and endangers LGBTQ+ individuals — depriving them of vital medical care, threatening their safety in their homes, blocking their access to public spaces, and excluding them from classrooms and playgrounds.

Furthermore, the misinformation and partisan rhetoric accompanying these legislative attacks fuel a climate of fear and hostility — which can be connected to the dramatic rise in anti-LGBTQ+ violence across the United States. The Federal Bureau of Investigation’s (FBI) most recent annual crime report showed a nearly 14% increase in reports of hate crimes nationally based on sexual orientation and a nearly 33% increase in reports of hate crimes based on gender identity.<sup>14</sup>

Unfortunately, the impact of this prevailing climate of intolerance impacts California as well. Data reported to the California DOJ in 2023<sup>15</sup> shows that between 2022 and 2023, there were 405 reported hate crime events motivated by sexual orientation bias (an increase of 4.1% from the previous year), 76 hate crime events motivated by anti-transgender or anti-gender-nonconforming bias (an increase of 7% from the previous year), and 151 hate crime events motivated by anti-LGBTQ+ (an increase of 86.4% from the previous year).

The numbers are a stark reminder that despite tremendous progress, more remains to be done — and that DOJ’s fight to defend and uphold LGBTQ+ rights is more critical than ever.



13 *Mapping Attacks on LGBTQ Rights in U.S. State Legislatures in 2023*, UCLA (Dec. 2023), <https://www.aclu.org/legislative-attacks-on-lgbtq-rights-2023>

14 Delphine Luneau, *FBI’s Annual Crime Report — Amid State of Emergency, Anti-LGBTQ+ Hate Crimes Hit Staggering Record Highs*, Human Rights Campaign (Oct. 2023), <https://www.hrc.org/press-releases/fbis-annual-crime-report-amid-state-of-emergency-anti-lgbtq-hate-crimes-hit-staggering-record-highs>

15 Caution should be used when comparing 2023 hate crime data to prior years. Not all agencies were able to submit a full year of data for 2023. Twenty-seven agencies were unable to report the full year of data due to a variety of reasons, including but not limited to Records Management System issues, unresolved reporting errors, staffing issues, cyberattacks, or failure to report. A list of these agencies will be included in DOJ’s forthcoming 2023 Hate Crime Report.

# DOJ'S WORK TO PROTECT THE LGBTQ+ COMMUNITY

## Combating Hate and Violence

In response to rising hate and violence targeting LGBTQ+ people and other vulnerable groups, DOJ works directly with California's communities to tackle this issue at its root by:

- Proactively engaging with local city leaders, law enforcement officers, and community leaders in [San Francisco](#), [Oakland](#), [Sacramento](#), [San Diego](#), [Riverside](#), [Long Beach](#), [Santa Ana](#), [San Jose](#), [Stockton](#), [Anaheim](#), [Bakersfield](#), [Fresno](#), and [Irvine](#) as part of a series of statewide anti-hate roundtable discussions aimed at developing strategies to address bias and hate and comprehensively and effectively respond to hate crimes and incidents in California.
- [Releasing an annual Hate Crime in California Report](#) and highlighting information and resources to support ongoing efforts across the state to combat hate. This report is released in late June and the report on 2023 statistics is forthcoming.
- Providing valuable information, expertise, and training for federal, state, and local law enforcement on identifying, tackling, and preventing hate crimes, including through a [law enforcement bulletin](#) on California laws that prohibit hate crimes as well as guidance related to the investigation and prosecution of hate crimes. DOJ's hate crimes coordinator is an experienced criminal prosecutor and subject matter expert who leads the department's efforts in collaborating with internal and external partners and strengthening responses to hate crimes in California.

## Defending Access to Critical, Lifesaving Care

Gender-affirming care has been proven time and time again to be safe and medically accepted, to help in treating people suffering from gender dysphoria, and to better empower them to lead healthier, happier lives.<sup>16</sup> Yet much of the political vitriol, hate, and attacks directed against LGBTQ+ people over the past year was focused on denying this life-saving treatment to some of the most vulnerable Americans — transgender people, particularly transgender youth.

*In 2023, a total of 42 bills banning affirming care for trans youth were introduced in state legislatures across the U.S.<sup>17</sup> This year is even worse. So far in 2024, 76 such bills have been introduced<sup>18</sup> and at least 25 states have already banned or limited gender-affirming care for minors.<sup>19</sup>*

DOJ is defending this vital care and the rights of transgender youth by:

- Supporting challenges to state laws that limit transgender youths' access to critical and lifesaving care by leading nationwide coalitions against laws in states including [Indiana](#), [Oklahoma](#), [Tennessee](#), [Kentucky](#), [Arkansas](#), [Florida](#), and [Idaho](#).
- [Securing victory in court](#) in defense of California's own Transgender Sanctuary State Law, which provides legal protections for families who come to California to obtain gender-affirming care that is inaccessible where they live, as well as doctors and staff providing such care in California.
- [Advocating for increased access](#) to medically necessary gender-affirming care for transgender veterans, one of the most underserved groups in the nation's healthcare system.

16 Amy E. Green et al., *Association of Gender-Affirming Hormone Therapy with Depression, Thoughts of Suicide, and Attempted Suicide Among Transgender and Nonbinary Youth*, 70 J. Adolescent Health 643, 647–48 (2022), <https://doi.org/10.1016/j.jadohealth.2021.10.036>

17 *Mapping Attacks on LGBTQ Rights in U.S. State Legislatures in 2023*, UCLA (Dec. 2023), <https://www.aclu.org/legislative-attacks-on-lgbtq-rights-2023>

18 *Mapping Attacks on LGBTQ Rights in U.S. State Legislatures in 2024*, UCLA (June 2024), <https://www.aclu.org/legislative-attacks-on-lgbtq-rights-2024>

19 Selena Simmons-Duffin, *There are now 25 states with bans on trans health care for minors*, NPR (May 2024), <https://www.npr.org/2024/05/22/1252987492/there-are-now-25-states-with-bans-on-trans-health-care-for-minors>

- [Protecting LGBTQ individuals from discrimination in healthcare](#) by leading a multistate coalition in support of efforts to vacate a harmful 2020 Trump-era rule that strips nondiscrimination protections for vulnerable populations, including LGBTQ+ individuals, in the Affordable Care Act.

## DID YOU KNOW?

- Gender dysphoria, which may result from the incongruence between gender identity and sex at birth, has been found to cause severe distress and anxiety, depression, fatigue, decreased social functioning, overreliance on drugs and alcohol, and a poorer quality of life. Among transgender people, suicide attempts are nine times more common than in the overall U.S. population.<sup>20</sup>
- Conversely, for transgender youth, receiving gender-affirming care was associated with 60% lower odds of moderate or severe depression and 73% lower odds of having suicidal thoughts.<sup>21</sup>
- Around 150,000 veterans, active-duty service members, and members of the National Guard and reserves identify as transgender<sup>22</sup>, and they serve in the U.S. armed forces at nearly twice the rate of their cisgender counterparts<sup>23</sup>.

## Ending Discriminatory and Dangerous ‘Forced Outing’ Policies

The battle for LGBTQ+ students’ rights in the classroom intensified over the past year, as cruel mandatory gender identity disclosure policies — or “forced outing” policies — proliferated among school boards nationwide and even within California. Such policies, which require schools to forcibly “out” students to their parents, even without the student’s permission or when doing so would put them at risk of physical, emotional, or psychological harm, are against the law in California.

*In 2023, a total of 21 bills requiring forced outing in schools by teachers and school staff were introduced in state legislatures across the U.S.<sup>24</sup> This year is even worse. So far in 2024, 59 such bills have already been introduced in multiple states.<sup>25</sup>*

DOJ worked to block these policies by:

- Warning all California county, school district, and charter school boards and superintendents against forced outing policies, and explaining that such policies potentially infringe on students’ rights through [a legal alert](#).
- [Opening a civil rights investigation](#) and subsequently [filing a lawsuit](#) against the Chino Valley Unified School District Board of Education’s mandatory gender identity disclosure policy.
- [Sending warning letters](#) to school boards that had [decided to implement](#) copy-cat mandatory gender identity disclosure policies, and urging them to [prioritize the safety and privacy](#) of their students.
- [Supporting a challenge](#) by teachers, students, and parents to two Temecula Valley Unified School

20 Ann P. Haas et al., Am. Found. for Suicide Prevention & The Williams Inst., *Suicide Attempts Among Transgender and Gender Non-Conforming Adults: Findings of the National Transgender Discrimination Survey* (2014), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Trans-GNC-Suicide-Attempts-Jan-2014.pdf>.

21 *Research Finds Significant Reduction in Depression, Suicidality in Youth Receiving Gender-Affirming Care or Puberty Blockers*, American Academy of Pediatrics (Dec. 2021), <https://www.aap.org/en/news-room/news-releases-from-aap-conferences/research-finds-significant-reduction-in-depression-suicidality-in-youth-receiving-gender-affirming-care-or-puberty-blockers/>; <https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2789423>

22 Gary J. Gates & Jody L. Herman, *Transgender Military Service in the United States*, THE WILLIAMS INST. (May 2014), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Transgender-Military-Service-May-2014.pdf>

23 Id.

24 *Mapping Attacks on LGBTQ Rights in U.S. State Legislatures in 2023*, UCLA (Dec. 2023), <https://www.aclu.org/legislative-attacks-on-lgbtq-rights-2023>

25 *Mapping Attacks on LGBTQ Rights in U.S. State Legislatures in 2024*, UCLA (June 2024), <https://www.aclu.org/legislative-attacks-on-lgbtq-rights-2024>

District Board of Trustees’ enactments that violate students’ rights.

- Standing up for school board policies – in [California](#) and [beyond](#) – that safeguard the privacy and safety of transgender and gender-nonconforming students.

## DID YOU KNOW?

Research shows that protecting a transgender student’s ability to make choices about how and when to inform others is critical to their well-being:

- **At Home:** One in 10 respondents in a national survey said that an immediate family member had been violent toward them because they were transgender; 15% ran away from home or were kicked out of their home because they were transgender; and “coming out” to adverse parents has been shown to increase the risks of major depressive symptoms, suicide, homelessness, and drug use.<sup>26</sup>
- **In School:** Students who can choose to express their gender identity in a supportive environment, such as school, have mental health outcomes mirroring their cisgender peers, experiencing reduced depression<sup>27</sup>, anxiety, self-harm ideation and behavior, and suicide attempts.<sup>28</sup>

## Pushing Back Against Discrimination and Exclusion

The alarming barrage of legislative attacks seeking to marginalize and exclude LGBTQ+ people extended beyond the arenas of healthcare and education — to public businesses, playgrounds, and even restrooms.

*In 2023, eight public accommodation bans seeking to prohibit transgender people from using facilities like public bathrooms and locker rooms were introduced in state legislatures across the U.S.<sup>29</sup> This year is even worse. So far in 2024, 12 such bills have already been introduced in multiple states.<sup>30</sup>*

DOJ stood up against these shameful and discriminatory attacks by:

- [Advocating for equal access](#) to public businesses for LGBTQ+ customers in response to a U.S. Supreme Court decision striking down Colorado’s public accommodations law. The law prohibits businesses serving the public from discriminating on multiple grounds, including sexual orientation.
- [Urging national retailer Target](#) to unequivocally reject anti-LGBTQ+ harassment and discrimination following its decision to pull specific Pride-themed merchandise from stores.
- Defending [a legal challenge](#) to a new and discriminatory Arizona law prohibiting transgender students from participating on women’s and girls’ school athletic teams.

26 James et al., *Report of the 2015 U.S. Transgender Survey*, Nat. Ctr. for Transgender Equality (Dec. 2016) p. 65; The Trevor Project, *2022 Nat. Survey of LGBTQ on Youth Mental Health* (2022) p. 20; Ryan et al., *Family Rejection as a Predictor of Negative Health Outcomes in White and Latino Lesbian, Gay, and Bisexual Young Adults* (Jan. 2009) 123 *Pediatrics* 346

27 Kristina R. Olson et al., *Mental Health of Transgender Children Who Are Supported in Their Identities*, *Pediatrics* (Mar. 2016), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4771131/>

28 *The Trevor Project Research Brief: LGBTQ & Gender-Affirming Spaces*, The Trevor Project (Dec. 2020), [https://www.thetrevorproject.org/wp-content/uploads/2021/07/LGBTQ-Affirming-Spaces\\_-December-2020.pdf](https://www.thetrevorproject.org/wp-content/uploads/2021/07/LGBTQ-Affirming-Spaces_-December-2020.pdf)

29 *Mapping Attacks on LGBTQ Rights in U.S. State Legislatures in 2023*, UCLA (Dec. 2023), <https://www.aclu.org/legislative-attacks-on-lgbtq-rights-2023>

30 *Mapping Attacks on LGBTQ Rights in U.S. State Legislatures in 2024*, UCLA (June 2024), <https://www.aclu.org/legislative-attacks-on-lgbtq-rights-2024>

## DID YOU KNOW?

- Nearly one in five people who identify as transgender are ages 13-17 — around 300,000 in number.<sup>31</sup>
- Ninety-three percent of transgender youth ages 13-17 in the U.S. live in states that have passed or proposed one or more laws specifically targeting them, such as by limiting access to gender-affirming care, participation in sports, and restrooms.<sup>32</sup>

## Championing Diversity and Inclusivity in Schools

Over the past year, as an increasing number of school boards and states tried to limit students' learning and blinker their worldview through "book bans," DOJ worked instead to foster greater diversity and inclusivity in classrooms.

In California, local educational agencies have a legal obligation to implement a curriculum reflecting the roles and contributions of California's diverse populations, including its thriving LGBTQ+ community.

*In 2023, a total of 28 bills seeking to prohibit any in-school discussions of LGBTQ people and issues were introduced in state legislatures across the U.S.<sup>33</sup> This year is even worse. So far in 2024, 54 such bills have already been introduced in multiple states.<sup>34</sup>*

DOJ worked to ensure classrooms in the state fulfilled this obligation by:

- [Issuing a legal alert](#) addressed to all California school district boards, county offices of education, and Superintendents stressing the responsibilities of educational institutions to provide unbiased and inclusive curricula, instructional materials, and books to their students, as required by law.
- [Backing a legal challenge](#) by teachers, students, and parents to Temecula Valley Unified School District Board of Trustees' enactments banning inclusive curricula. DOJ was informed that at the board's direction, the school district was restricting students' access to biographies of hundreds of historical figures due to the board's desire to censor the biography of prominent LGBTQ+ and civil rights leader Harvey Milk.
- Defending a Maryland board of education's policy that permits schools to incorporate LGBTQ+ inclusive books into language arts curricula to reflect the diversity of the school community.

## DID YOU KNOW?

- Research shows that when school curricula do not include content that reflects the history, culture, and experience of all students, the students who are not represented suffer academically and emotionally.<sup>35</sup>
- Addressing topics such as privilege and systemic inequity in the classroom leads to improved critical thinking<sup>36</sup> and higher overall achievement levels for both majority and minority group members.<sup>37</sup>

31 Jody L. Herman, Andrew R. Flores & Kathryn K. O'Neill, *How Many Adults and Youth Identify as Transgender in the United States?*, THE WILLIAMS INST. (June 2022), <https://williamsinstitute.law.ucla.edu/publications/trans-adults-united-states/>

32 Elana Redfield, Kerith J. Conron & Christy Mallory, *The Impact of 2024 Anti-Transgender Legislation on Youth*, THE WILLIAMS INST. (April 2024), <https://williamsinstitute.law.ucla.edu/publications/2024-anti-trans-legislation/>

33 *Mapping Attacks on LGBTQ Rights in U.S. State Legislatures in 2023*, UCLA (Dec. 2023), <https://www.aclu.org/legislative-attacks-on-lgbtq-rights-2023>

34 *Mapping Attacks on LGBTQ Rights in U.S. State Legislatures in 2024*, UCLA (June 2024), <https://www.aclu.org/legislative-attacks-on-lgbtq-rights-2024>

35 E.g., Helen Adam, *When Authenticity Goes Missing: How Monocultural Children's Literature Is Silencing the Voices and Contributing to Invisibility of Children from Minority Backgrounds* (2021) (hereafter *Monocultural Children's Literature*) Educ. Sciences, vol. 11, art. 32, <https://www.mdpi.com/2227-7102/11/1/32>

36 Nicholas A. Bowman, *College Diversity Experiences and Cognitive Development: A Meta-Analysis* (2010), Review of Educational Research, 80, 4-33, <https://doi.org/10.3102/0034654309352495>

37 J. D. Elicker, A. F. Snell, & A. L. O'Malley, *Do Student Perceptions of Diversity Emphasis Relate to Perceived Learning of Psychology?* (2009), Teaching of Psychology, 37, 36-40, <https://doi.org/10.1080/00986280903425706>

# KNOW YOUR RIGHTS

## **LGBTQ+ Discrimination Rights**

**You have the right to access and utilize public accommodations:** In California, it is illegal to discriminate against people using public accommodations on the basis of sexual orientation or gender identity.

**You have the right to use the restroom consistent with your gender identity:** You have the right to use the restroom consistent with your gender identity both in public settings, like schools, and at your workplace. As an employee in California, you have a right to safe and appropriate restroom facilities. Your employer cannot dictate which restroom you use. If your place of employment has single-stall restrooms, they must be labeled as “All Gender,” “Unisex,” “Gender Neutral,” or something similar.

**You have the right to rent property without fear of discrimination:** The federal Fair Housing Act prohibits sex discrimination by most landlords and, as the Supreme Court held in 2020 (*Bostock v. Clayton County*), discrimination on the basis of sexual orientation and gender identity is sex discrimination. Thus, the Fair Housing Act prohibits discrimination on the basis of sexual orientation or gender identity. Housing discrimination against people with HIV/AIDS, or people perceived to have HIV/AIDS, is also illegal under the Fair Housing Act’s protections against disability discrimination. California’s Fair Employment and Housing Act provides similar protections.

Violations of both the federal Fair Housing Act and California’s Fair Employment and Housing Act include:

- Refusal to sell, rent, or lease rooms, apartments, condos or houses to protected individuals.
- Refusal to negotiate for the sale, rental, or lease of housing.
- Representation that a housing accommodation is not available for inspection, sale, or rental when it is in fact available.
- Denial of a home loan or homeowner’s insurance.
- Cancellation or termination of a sale or rental agreement.
- Policies, practices, terms, or conditions that result in unequal access to housing or housing-related services.
- Offering inferior terms, conditions, privileges, facilities, or services in connection with the housing accommodation.
- Sexual harassment involving unwanted sexual advances or requiring sexual favors for housing rights or privileges.
- Refusal to permit, at a disabled tenant’s expense, reasonable modifications when necessary to accommodate a disability.
- Refusal to make reasonable accommodations in housing rules, policies, practices, or services where necessary to afford a disabled person equal opportunity to use and enjoy a dwelling.
- Retaliation against someone filing a complaint.
- Overly restrictive rules limiting the activities of daily life for families with children, including where children are allowed to play.

**You have the right to receive service, regardless of the provider’s religion:** This includes wedding services, medical care, and child welfare services. California has banned religious exemption laws.

**You have the right to a discrimination-free workplace:** Both the California Fair Employment and Housing Act (FEHA) and Title VII of the federal Civil Rights Act (Title VII) make it illegal for an employer to fire, demote, fail to hire, fail to promote, harass, or otherwise discriminate against you (such as by paying a lower wage or denying benefits that other workers receive) because of your sexual orientation, gender identity, and/or gender expression.

While the majority of employees in California are covered under these laws, there are a few types of employees that are exempt from the laws:

- Certain employees of religious entities like churches and mosques.
- Employees of very small employers. California discrimination protections described here apply to entities with at least 5 employees (but the harassment provisions apply to every entity, even if you are the only employee); and federal discrimination protections apply to entities with at least 15 employees.

**You have the right to learn about and teach LGBTQ+ history:** California Education Code Section 51204.5 prescribes the inclusion of the contributions of various groups in the history of California and the United States. This section includes both men and women, Native Americans, African Americans, Mexican Americans, Asian Americans, Pacific Islanders, European Americans, lesbian, gay, bisexual, and transgender Americans, persons with disabilities, and members of other ethnic and cultural groups, to the economic, political, and social development of California and the United States of America, with particular emphasis on portraying the role of these groups in contemporary society.

**You have the right to discuss LGBTQ+ issues and topics in school under Section 48907 of the California Education Code:** In addition, under Section 48950, no public school, charter school, or non-religious private high school can discipline you for talking about being LGBTQ+ or for discussing LGBTQ+ issues.

**You have the right to disclose – or not disclose – your gender identity on your own terms, regardless of your age:** Your school, whether public or private, doesn't have the right to "out" you as LGBTQ+ to anyone without your permission, including your parents. Under the California and U.S. constitutions, you have a protected right to privacy, which includes the right to keep your sexual orientation, gender identity or that you are transgender private (what courts call a "reasonable expectation of privacy"). In other words, you have the right to control to what extent and to whom you disclose highly personal information about your sexual orientation or gender identity. This means that even if you are "out" about your sexual orientation or gender identity at school, if you're not 'out' to your parents at home, and you can reasonably expect that they're not going to find out, then school staff can't tell your family that you are LGBTQ+ without your permission. Being open about your sexuality in school doesn't mean you automatically give up your right to privacy outside school.

However, under some limited circumstances, your school can tell your parents something about your sexual orientation or gender identity — but only if they have a very good reason for doing so. It really depends on the circumstances. But they can't do it just to punish you, harass you, discriminate against you, or retaliate against you for complaining about something. For example, if you complain to the principal about a teacher making or allowing anti-LGBTQ+ comments in class, they can't then call your parents (or threaten to call them) and discuss anything about your actual or perceived sexual orientation. If your principal or teachers are threatening to "out" you to your parents and you need advice, give us a call. You should also explain your desire and your right to keep this information private.

**You have the right to play on a sports team that aligns with your gender identity.**

**You have the right to services, activities, and programs in the California Juvenile Justice System.**

**You have the right to refuse and prosecute conversion therapy providers in California:** Conversion therapy for LGBTQ+ youth is illegal in California.

**You have the right to have your medically necessary gender-affirming care covered by your private or public health insurance plan:** Under California law, employer-provided health plans and Medi-Cal cover medically necessary gender-affirming care just like they cover other medically necessary treatments.

**You have the right to have your same-sex spouse or registered domestic partner covered by your health insurance plan:** Under California law, same-sex spouses and registered domestic partners are entitled to the same healthcare coverage as different-sex spouses.

**You have the right to request that your California driver's license, birth certificate, and death certificate have a gender marker other than "M" or "F":** California allows residents to be identified by a gender marker other than "F" or "M" on their driver's license. It is also the first state to allow a nonbinary gender marker on birth certificates. You can also choose "bride," "groom," or "neither" on your marriage certificate.

**You have the right to serve on a jury:** California does not allow discrimination based on sexual orientation or gender.

**You have the right to donate blood and plasma.**

**You do NOT have the right to use a "panic defense" in murder cases (i.e. argue your way to a lesser charge of manslaughter by expressing your discomfort with, surprise at, or fear of a victim's sexual orientation or gender identity):** In September 2014, California became the first state in the U.S. to officially ban the use of "trans panic" and "gay panic" defenses in court.



# INFORMATION ABOUT HATE CRIMES

## *What is the difference between a hate crime and a hate incident?*

A **hate crime** is a crime against a person, group, or property motivated by the victim's real or perceived protected social group. You may be the victim of a hate crime if you have been targeted because of your actual or perceived: (1) disability, (2) gender, (3) nationality, (4) race or ethnicity, (5) religion, (6) sexual orientation, and/or (7) association with a person or group with one or more of these actual or perceived characteristics. Hate crimes are serious crimes that may result in imprisonment or jail time.

A **hate incident** is an action or behavior motivated by hate but which, for one or more reasons, is not a crime. Examples of hate incidents include:

- Name-calling.
- Insults.
- Displaying hate material on one's own property.
- Posting hate material that does not result in property damage.
- Distribution of materials with hate messages in public places.

The U.S. Constitution allows hate speech as long as it does not interfere with the civil rights of others. While these acts are certainly hurtful, they do not rise to the level of criminal violations and thus may not be prosecuted. However, it is important to note that these incidents have a traumatic impact on the victims as well as on the community at large.

In California, under the Ralph Act, Civil Code § 51.7, your civil rights may be violated if you have been subjected to hate violence or the threat of violence – even where the incident does not rise to the level of a hate crime and may be otherwise constitutionally-protected from prosecution by the government – because of your actual or perceived: sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, immigration status, political affiliation, and/or position in a labor dispute. A civil violation may result in restraining orders, injunctive and/or equitable relief, damages, a civil penalty of \$25,000, and/or attorney's fees.

## *How can I spot a hate crime?*

Signs that a crime was motivated by hate may include:

- The offender chose the victim or property because they belonged to a protected group, like a certain religion or gender.
- The offender made written or verbal comments showing a prejudice.
- The crime happened on a date that is important for the victim's or offender's protected group.
- There is organized hate activity in the area.

## ***What should I do if I am the victim of a hate crime?***

- If you are in immediate danger, call 911, and if needed, get medical attention.
- Contact the local law enforcement agency right away and report the crime.
- Write down the exact words that were said and make notes about any other details and relevant facts.
- Save all evidence (e.g., graffiti, eggshells, writing on victim's vehicle). If safe, wait until law enforcement arrives and takes photos.
- Get the names and contact information for other victims and witnesses, and try to get their descriptions of the perpetrator(s).
- Contact community organizations in your area that respond to hate crimes.

## ***I am the victim of a hate crime, and I am struggling to identify all of the services available to me. Who at the California DOJ should I talk to for help?***

If you have been a victim of a hate crime, please contact the California Victims' Services Unit (VSU) at the California DOJ. VSU offers support and information to victims and their families at every stage of the criminal process. The unit accomplishes this by advocating for victims, and by helping identify and close any gaps in services available to victims offered by all levels of government. The unit works in conjunction with victim service providers and frontline prosecutors all across the state.

## ***Members of my community have been targets of a major hate crime event. Does the California DOJ have resources to help my community?***

Yes. To ensure that local law enforcement officials have the resources they need to respond to major hate crime events, the Attorney General's office has developed the Attorney General's [Hate Crime Rapid Response Protocol](#). The protocol calls for the prioritization of resources to ensure that the California Department of Justice makes available resources to ensure that local authorities have access to skilled law enforcement special agents, lawyers who are experts on handling civil rights issues, victim services professionals, and others, in order to provide a comprehensive response to major incidents.

The Attorney General's Hate Crime Rapid Response Protocol acts as a supplemental resource to local, state, and federal enforcement agencies' investigation and prosecution of hate crimes. The Protocol ensures local agencies have the full resources of the Department of Justice at their disposal. Attorney General Bonta believes that through a strong cooperative and team effort, state, local, and federal law enforcement agencies will be in the best position to quickly and effectively respond to major hate crime incidents anywhere in California.

## ***Where can I find the most up-to-date data on hate crimes in California?***

Every July 1st, the California Department of Justice releases an annual Hate Crimes in California Report to the California Legislature. The report outlines the previous year's hate crimes in California. You can find the report at [oag.ca.gov/cjsc/pubs](http://oag.ca.gov/cjsc/pubs).

# HATE CRIMES: KNOW YOUR RIGHTS

Victims' rights are enumerated in article I, § 28, section (b) of the California Constitution, otherwise known as "Marsy's Law" and the "California Victims' Bill of Rights." Under this law, victims – including victims of hate crimes – have the following rights:

1. You have the right to be treated with fairness and respect for your privacy and dignity, and to be free from intimidation, harassment, and abuse, throughout the criminal or juvenile justice process.
2. You have the right to be reasonably protected from the defendant and persons acting on behalf of the defendant.
3. You have the right to have your safety and your family's safety considered in fixing the amount of bail and release conditions for the defendant.
4. You have the right to prevent the disclosure of confidential information or records to the defendant, the defendant's attorney, or any other person acting on behalf of the defendant, which could be used to locate or harass you or your family or which disclose confidential communications made in the course of medical or counseling treatment, or which are otherwise privileged or confidential by law.
5. You have the right to refuse an interview, deposition, or discovery request by the defendant, the defendant's attorney, or any other person acting on behalf of the defendant, and to set reasonable conditions on the conduct of any such interview to which the victim consents.
6. You have the right to reasonable notice of and to reasonably confer with the prosecuting agency, upon request, regarding, the arrest of the defendant if known by the prosecutor, the charges filed, the determination whether to extradite the defendant, and, upon request, to be notified of and informed before any pretrial disposition of the case.
7. You have the right to reasonable notice of all public proceedings, including delinquency proceedings, upon request, at which the defendant and the prosecutor are entitled to be present and of all parole or other post-conviction release proceedings, and to be present at all such proceedings.
8. You have the right to be heard, upon request, at any proceeding, including any delinquency proceeding, involving a post-arrest release decision, plea, sentencing, post-conviction release decision, or any proceeding in which a right of the victim is at issue.
9. You have the right to a speedy trial and a prompt and final conclusion of the case and any related post-judgment proceedings.
10. You have the right to provide information to a probation department official conducting a pre-sentence investigation concerning the impact of the offense on the victim and the victim's family and any sentencing recommendations before the sentencing of the defendant.
11. You have the right to receive, upon request, the pre-sentence report when available to the defendant, except for those portions made confidential by law.
12. You have the right to be informed, upon request, of the conviction, sentence, place and time of incarceration, or other disposition of the defendant, the scheduled release date of the defendant, and the release of or the escape by the defendant from custody.

13. You have the right to restitution.

- All persons who suffer losses as a result of criminal activity have the right to seek and secure restitution from the persons convicted of the crimes causing the losses they suffer.
- Restitution shall be ordered from the convicted wrongdoer in every case, regardless of the sentence or disposition imposed, in which a crime victim suffers a loss.
- All monetary payments, monies, and property collected from any person who has been ordered to make restitution shall be first applied to pay the amounts ordered as restitution to the victim.

14. You have the right to the prompt return of property when no longer needed as evidence.

15. You have the right to be informed of all parole procedures, to participate in the parole process, to provide information to the parole authority to be considered before the parole of the offender, and to be notified, upon request, of the parole or other release of the offender.

16. You have the right to have the safety of you, your family, and the general public considered before any parole or other post-judgment release decision is made.

17. You have the right to be informed of the rights enumerated in paragraphs (1) through (16).

For more information on hate crimes, please visit [oag.ca.gov/hatecrimes](https://oag.ca.gov/hatecrimes).



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