

# State of **PRIDE** Report

**2026**

# A Message from Attorney General Rob Bonta

Pride Month is a time to celebrate the resilience, contributions, and history of the LGBTQ+ community — and to reaffirm our commitment to protecting the rights and dignity of every Californian.

Here in California, we believe diversity is one of our greatest strengths. We believe every person deserves the freedom to live openly, safely, and authentically. But across the country, and increasingly here at home, LGBTQ+ people continue to face coordinated attacks on their rights, their healthcare, their education, and their very humanity. From discriminatory policies and censorship efforts to acts of harassment and violence, the rise in anti-LGBTQ+ extremism is real — and deeply harmful.

At the California Department of Justice, we refuse to stand by while members of our LGBTQ+ community are targeted for who they are.

As Attorney General, I remain committed to using the full force of the law to defend LGBTQ+ Californians and push back against hate and discrimination in all its forms. That includes everything from protecting transgender and gender-nonconforming young people from policies that threaten their safety and wellbeing to defending inclusive school environments and access to accurate, representative curriculum. Here in California, we're safeguarding access to gender-affirming care and enforcing California's civil rights protections in our workplaces, healthcare systems, housing markets, and public spaces.

We know that hateful rhetoric and discriminatory policies do not exist in a vacuum. Too often, they fuel intimidation, harassment, and violence. The data outlined in this report reflects that troubling reality. Hate crimes targeting LGBTQ+ individuals continue to occur at alarming rates, particularly against transgender and gender-nonconforming Californians. Behind every statistic is a person, a family, and a community impacted by fear and trauma — and every incident is a reminder that our work is far from finished.

That is why California DOJ continues to expand efforts to combat hate and strengthen trust with the communities we serve. Through our Office of Community Awareness, Response, and Engagement (CARE), hate crime prevention and enforcement initiatives, statewide outreach efforts, and partnerships with local leaders and advocates, we are working to ensure Californians know their rights, have access to resources, and can turn to their Department of Justice for support.

This report highlights those efforts and provides important information on LGBTQ+ rights, hate crime reporting, available resources, and the work being done across California to build safer and more inclusive communities.

The LGBTQ+ community is not defined by a single experience or identity. It is a vibrant and diverse community whose leadership, advocacy, and courage have shaped California for generations. Their stories are woven into the fabric of our state, and their rights and freedoms deserve protection not only during Pride Month, but every day of the year.

California will continue to stand firmly against those who seek to undermine equality and erase hard-fought progress. We will continue to meet hate with action, fear with solidarity, and discrimination with justice.

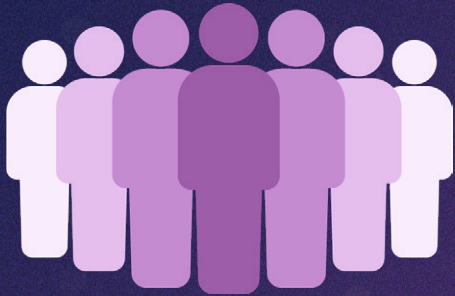
Happy Pride Month!



## State of Pride

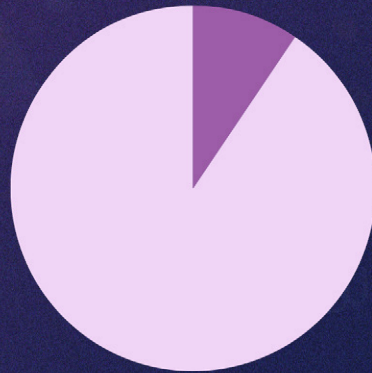
As we celebrate Pride Month, we honor the resilience, diversity, and strength of California's LGBTQ+ community. Over 9% of Americans openly identify as LGBTQ+, a figure that has grown year over year<sup>1</sup> as California and other communities work to establish and protect environments where individuals feel safe to express and live as their true selves.

Throughout history, California has proudly served as a staunch advocate and pioneer, working to empower and advance the legal rights of the LGBTQ+ community.



**2.8 Million**  
**LGBTQ+ Adults**  
**in California**

Representing  
**9.5%**  
of California  
adult population.



<sup>1</sup> <https://news.gallup.com/poll/656708/lgbtq-identification-rises.aspx>.

## A Timeline of Progress and Resistance: LGBTQ+ Rights in California

**2014**

**Ban on “Gay Panic” Defense (AB 2501):** California became the first state in the U.S. to officially ban the use of “gay panic” and “transgender panic” defenses in murder trials, thereby preventing defendants from claiming they were provoked to violence due to a victim’s sexual orientation or gender identity.<sup>2</sup>

**2015**

**Marriage Equality Legalized Nationwide:** In a landmark decision, *Obergefell v. Hodges*, the U.S. Supreme Court legalizes same-sex marriage. Californians celebrated this victory, building upon the state’s earlier legalization of same-sex marriage in 2013.<sup>3</sup>

**2017**

**Gender Recognition Act (SB 179) Signed into Law:** California became the first state to allow residents to select a non-binary gender marker on state-issued IDs and birth certificates, affirming the rights of transgender and non-binary individuals.<sup>4</sup>

**2020**

**Transgender Respect, Agency, and Dignity Act (SB 132):** Governor Gavin Newsom signed Senate Bill 132 into law, ensuring that transgender, gender-nonconforming, and intersex individuals are provided with a safe, humane, and dignified environment while incarcerated.<sup>5</sup>

**2021**

**Affirming Transgender and Nonbinary Students’ Names in College Act (AB 245):** Ensures that California’s public colleges and universities allow transgender and nonbinary former students to have their name and gender accurately reflected on their academic records, such as transcripts and diplomas.<sup>6</sup>

**2022**

**Protecting Transgender Youth and Their Families (SB 107):** In response to a rise in anti-trans laws across the nation, Governor Gavin Newsom signed Senate Bill 107 protecting transgender youths and their families from bans against gender-affirming care.<sup>7</sup>

**2023**

**Establishment of the Transgender, Gender-Nonconforming, and Intersex (TGI) Wellness and Equity Fund:** The California Department of Public Health awarded nearly \$2.4 million in grants to community organizations to provide gender-affirming healthcare services, demonstrating the state’s investment in the wellbeing of TGI Californians.<sup>8</sup>

**2025**

**Ongoing Advocacy and Legislation:** California continues to lead in advocating for LGBTQ+ rights through numerous legislative measures regarding issues such as healthcare, housing, inclusive education, and anti-discrimination protections.

2 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>

3 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>.

4 SB 179 – Gender Recognition Act of 2017, Equality California (Feb. 2018), <https://www.eqca.org/sb179-leg/der> Recognition Act of 2017 - Equality California.

5 Housing and Searching Incarcerated People Consistent with their Gender Identity, California Department of Corrections and Rehabilitation, <https://www.cdcr.ca.gov/prea/sb-132-faqs/>.

6 Newsom Signs Bill to ensure Trans, Nonbinary Students’ Diplomas Reflect Identities, Equal California (Oct. 2021), <https://www.eqca.org/release-ab245-signed/>.

7 Newsom signs bill protecting transgender youths and families fleeing red-state policies, Los Angeles Times (Sept. 2022), <https://www.latimes.com/california/story/2022-09-29/with-new-law-california-welcomes-out-of-state-transgender-youth>

8 State Invests in Community Organizations to Better Support Gender-Affirming Health Care for Californians, California Department of Public Health (Oct. 2023), <https://www.cdph.ca.gov/Programs/OPA/Pages/NR23-029.aspx>

# Challenges in California and Nationwide

While immense progress has been made, LGBTQ+ individuals still face numerous threats to their civil rights and well-being across the nation.

In 2025, the LGBTQ+ community was targeted by 1,042 documented instances of hate and harassment nationwide, a 5% increase in incidents from 2024.<sup>9</sup>

Individual acts of hate have been accompanied, amplified, and encouraged by anti-LGBTQ+ attacks from the federal government and some state governments. Over 600 pieces of anti-LGBTQ+ legislation were introduced by state governments in 2025.<sup>10</sup>

On top of these individual and localized threats, President Trump has conducted a tireless and unjust campaign against the civil rights, safety, and well-being of LGBTQ+ Americans since day one of his administration. Through March of this year, the second Trump Administration took 31 executive actions targeting the LGBTQ+ community.<sup>11</sup> The Administration issued executive orders, guidance, letters, declarations, investigative demands for private data, and more in an effort to undermine LGBTQ+ individuals' access to inclusive school environments and crucial medical care, as well as intimidate and interfere with institutions that support LGBTQ+ Americans by providing legally protected services like gender-affirming care.

In the face of these threats, California remains attentive and proactive. California is committed to addressing these threats and is fighting to act as a role model for the fair, equal, and compassionate treatment of LGBTQ+ communities. This commitment has already helped foster safer environments for LGBTQ+ Californians. According to data collected by the California Department of Justice (DOJ), reported hate crimes against Californian LGBTQ+ communities largely decreased in frequency in 2025 compared to 2024:

- Anti-LGBTQ+ bias events decreased by 35.5% from 172 in 2024 to 111 in 2025
- Anti-gay (male) bias events decreased by 34.3% from 251 in 2024 to 165 in 2025
- Anti-lesbian bias events decreased from 23 in 2024 to 15 in 2025

However, transgender Californians have increasingly become the targets of hate, with anti-transgender hate crimes increasing in frequency by 23.3% from 73 in 2024 to 90 in 2025.

DOJ will continue to work to both defend past progress and tackle emerging problems, in order to secure safe, welcoming environments for all LGBTQ+ individuals.

9 <https://www.glaad.org/releases/glaad-alert-desk-documents-more-than-1000-anti-lgbtq-incidents-nationwide-in-2025/>.

10 <https://www.aclu.org/legislative-attacks-on-lgbtq-rights-2025>.

11 <https://www.kff.org/lgbtq/overview-of-president-trumps-executive-actions-impacting-lgbtq-health/>.

# DOJ's Work to Protect the LGBTQ+ Community

## Defending Access to Crucial, Life-saving Care

Research consistently shows that gender-affirming care improves the health outcomes for individuals with gender dysphoria, a medical condition characterized by persistent, significant distress related to discordance between an individual's gender identity and their sex assigned at birth.<sup>12</sup> In individuals ages 13-20, receiving gender-affirming care was associated with 60% lower odds of moderate to severe depression and 73% lower odds of having suicidal thoughts over a 12-month period.<sup>13</sup> Despite this, the Trump Administration has maintained an onslaught of attacks attempting to strip away transgender Americans' access to this affirming and often life-saving treatment.

DOJ protected this crucial care and the rights of transgender Americans by:

- Filing a lawsuit against the U.S. Department of Justice for improperly investigating and intimidating providers of gender-affirming care.
- Challenging and securing a final court ruling blocking a declaration by U.S. Department of Health and Human Services (HHS) Secretary Robert F. Kennedy, Jr. that claimed gender-affirming care does not meet professionally recognized standards of care, and that HHS could therefore disqualify providers of gender-affirming care from federal healthcare programs like Medicare and Medicaid.
- Submitting amicus briefs opposing the Federal Trade Commission's effort to intimidate reputable scientific organizations who provide clinical guidance to providers regarding gender-affirming care by issuing civil investigative demands against such organizations.
- Supporting medical providers — both telemedicine platforms and traditional providers — against the U.S. Department of Justice's subpoenas seeking personally identifiable patient information and other records related to the provision of gender-affirming care.
- Informing medical providers and patients seeking gender-affirming care of their protections and obligations related to gender-affirming care under California law, assuring providers and patients that gender-affirming care remains legal in California.
- Submitting comment letters opposing two proposed rules by HHS: one that would prohibit federal reimbursement for gender-affirming care for minors through Medicaid and the Children's Health Insurance Program; the other that would block providers of gender-affirming care to adolescents from participating in Medicaid and Medicare.

<sup>12</sup> Only some transgender individuals experience gender dysphoria. “[B]eing transgender is . . . not a psychiatric condition, and ‘implies no impairment in judgment, stability, reliability, or general social or vocational capabilities.’” Grimm v. Gloucester Cnty. Sch. Bd., 972 F.3d 586, 594 (4th Cir. 2020); see also United States v. Skrmetti, 605 U.S. 495, 502-503 (2025) (recognizing that only “some” transgender individuals experience gender dysphoria).

<sup>13</sup> Diana M. Tordoff et al., Mental Health Outcomes in Transgender and Nonbinary youths Receiving Gender-Affirming Care, JAMA Network Open(2022), [https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2789423#google\\_vignette](https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2789423#google_vignette).

## Securing Safe, Inclusive Environments for LGBTQ+ Youth

Too often, federal government policy is being weaponized to undermine LGBTQ+ youth's freedom to live as their true and authentic selves, and to do so without facing exclusion or other unfair roadblocks.

DOJ has worked to protect LGBTQ+ youth's privacy, safety, and access to welcoming school environments by:

- Filing an amicus brief opposing the U.S. Department of Education (U.S. ED's) cutting off grant funding for New York City Public Schools (NYCPS) due to NYCPS' policies allowing transgender students to use bathrooms and participate in school activities in a manner consistent with their gender identity.
- Challenging and securing a temporary restraining order blocking U.S. ED's threats to withhold billions in federal funding from the California Department of Education (CDE). U.S. ED erroneously claimed that CDE encouraged local educational agencies to adopt policies related to disclosure of transgender students' gender identity that violate the Family Educational Rights and Privacy Act.
- Supporting state laws allowing transgender students to participate on sports teams matching their gender identity, and opposing state laws that ban transgender students from doing so.
- Speaking up to defend Skaneateles Central School District's policy of using students' chosen names and gender pronouns in school.
- Standing with the state of Colorado in support of its ban against performing conversion "therapy" — efforts to change a person's sexual orientation or gender identity — on minors, a practice also illegal in California.
- Pushing back against U.S. ED's proposal to stop collecting data on nonbinary students, as well as data on harassment and bullying in schools based on gender identity.

## Combating Discrimination and Exclusion

Attempts to marginalize and strip rights from LGBTQ+ individuals are not limited to healthcare and education. Attacks against anti-discrimination federal and state regulations threaten LGBTQ+ Americans' rights to be treated fairly in all aspects of their daily lives.

California has fought to uphold anti-discrimination protections in California and nationwide by:

- Petitioning for a rehearing to reconsider a ruling by the U.S. Court of Appeals that weakens a Washington State law prohibiting employment discrimination based on sexual orientation.
- Sending a comment letter arguing against HHS's proposal to amend the definition of "disability" under the Rehabilitation Act of 1973 — a law prohibiting discrimination based on disability — to exclude gender dysphoria.
- Challenging HHS's attempt to require recipients of federal grant funding to comply with President Trump's Executive Order 14168, which attacks transgender, nonbinary, intersex, and gender nonconforming individuals by dictating that grant recipients not promote "gender ideology."
- Pushing back against President Trump's executive order seeking to ban transgender individuals from serving in the military.
- Securing a court decision upholding California's law protecting LGBTQ+ long-term care facility residents from discrimination by requiring facility staff to refer to residents by their proper name and gender pronouns.
- Submitting multiple amicus briefs supporting lawsuits challenging President Trump's executive orders targeting LGBTQ+ individuals and other vulnerable populations by seeking to eliminate diversity, equity, inclusion, and accessibility programs.
- Challenging USDA's attempt to require recipients of federal grants to comply with President Trump's Executive Order 14168, which targets transgender, nonbinary, intersex, and gender nonconforming individuals by prohibiting the promotion of "gender ideology," and Executive Order 14173, which targets LGBTQ+ individuals and other vulnerable populations by seeking to bar grant recipients from operating programs that promote diversity, equity, and inclusion.
- Taking the U.S. Department of Housing and Urban Development (U.S. HUD) to court for unlawfully imposing changes to the Continuum of Care Program — which provides funding for housing and other services to people experiencing homelessness — that could have required recipients of funding from the program to discriminate against transgender people.
- Challenging U.S. HUD for imposing unlawful and discriminatory conditions on funding for fair housing assistance programs. The conditions would diminish California's ability to enforce state fair employment and housing laws that prohibit discrimination based on sex and gender identity.

# Gender Affirming Care: Know Your Rights

*Note: The information on this web page is for informational purposes only and is not legal advice. The California Attorney General does not represent individuals in legal matters. You may consider consulting an attorney to better understand your rights.*

## California Anti-Discrimination Laws

California Civil Code section 1798.301 provides that “gender-affirming healthcare services, and gender-affirming mental healthcare services are rights secured by the Constitution and laws of California.” The Legislature further provided that “[i]nterference with these rights. . . is against the public policy of California.” (*Ibid.*)

California law prohibits discrimination based on sexual orientation or gender identity, gender expression, and transgender status, in healthcare services and coverage. Healthcare providers and insurers covered by California law cannot discriminate against a patient for being any of the following: transgender, a person diagnosed with gender dysphoria, nonbinary, gender nonconforming, or intersex.<sup>14</sup>

## The Right to Medical Treatment

Under California law, gender-affirming care is defined as “medically necessary healthcare that respects the gender identity of the patient, as experienced and defined by the patient.”<sup>15</sup> In California, you have the right to receive medically necessary gender-affirming care or any other medically necessary healthcare without discrimination regardless of your sex, gender identity, gender expression, transgender status, diagnosis of gender dysphoria, or intersex status.<sup>16</sup>

For all healthcare, you have the right to receive:

- The emergency healthcare you need to determine if you have an emergency medical condition, as well as the emergency healthcare you need to relieve or eliminate that emergency medical condition, provided the hospital has the personnel and facilities to provide such healthcare.<sup>17</sup> If the hospital does not have the personnel and facilities to provide the necessary emergency healthcare, it may be required to transfer you to a medical facility that does.
- The medically acceptable standard of care from your provider.

<sup>14</sup> Unruh Civil Rights Act, Civ. Code, § 51; Gov. Code, §§ 11135, 12926; Cal. Code Regs., tit. 2, § 14000 et seq. The statutory classifications are construed as simply illustrative, and not restrictive, of the kinds of characteristics protected by the Act. See *Koebke v. Bernardo Heights Country Club* (2005) 36 Cal. 4th 824, 839; *Minton v. Dignity Health* (2019) 39 Cal.App.5th 1155, 1164.

<sup>15</sup> Civ. Code § 1798.300(c) (“Gender-affirming care services” and “gender-affirming mental health services” have the same meaning as defined in paragraph (3) of subdivision (b) of Section 16010.2 of the Welfare and Institutions Code.”); Welf. and Inst. Code § 16010.2(b)(3); Code Regs. Tit. 10, § 2561.2.

<sup>16</sup> Unruh Civil Rights Act, *supra*, Civ. Code, § 51; Gov. Code, *supra*, § 11135; Code Regs. Tit. 10, *supra*, § 2561.2.

<sup>17</sup> 42 U.S.C. § 1395dd; Health & Saf. Code, §§ 1317, subd. (a)-(b), 1317.1.

## Obligations of Insurers and Healthcare Plans

Insurers and healthcare plans covered by California law are prohibited from denying an individual a plan contract, health insurance policy, or coverage for a benefit included in the contract or policy, based on a person's sex.<sup>18</sup> This includes medically necessary gender-affirming care for gender dysphoria.<sup>19</sup> Insurers and healthcare plans must also cover medically necessary treatment for gender dysphoria as part of the requirement to cover behavioral health conditions under California law.<sup>20</sup> This includes all services identified in the most recent edition of the World Professional Association for Transgender Health (WPATH) Standards of Care.<sup>21</sup>

If an in-network provider is unavailable to provide services according to the geographic and timely access standards, the insurer must arrange for an out-of-network provider to provide the services.<sup>22</sup> While insurers can deny coverage on a case-by-case basis, they must provide a reason and instructions on how to file a grievance to appeal the denial.<sup>23</sup> If your health plan or insurer refuses to cover certain services related to gender-affirming care, you should contact the California Department of Managed Health Care or the California Department of Insurance. Contact information for these departments is located at the end of this document. You may also want to consult a lawyer or patient advocate.

An insurance company shall not terminate or refuse to issue or renew professional liability insurance or increase the premium or deductible for healthcare providers based solely on their provision of gender-affirming care, including based on any legal action taken against the provider by another state for providing such care.<sup>24</sup>

## California Shield Law and other Protections for Patients and Providers

California protects individuals and families accessing gender-affirming care in our state from other states' investigation and prosecution through a series of "shield laws." Shield laws are legal protections for patients, healthcare providers, and people assisting in the provision of certain healthcare services from the reach of other states with civil, criminal, and professional consequences related to that same care. California employees, contractors, and agents may not cooperate, provide information, or expend resources in furtherance of an investigation of an individual by another state, or another state's out-of-state agency or department, for exercising or assisting another in exercising a right to gender-affirming care that is lawful in California and performed in California.<sup>25</sup> Examples include but are not limited to:

- 18 Ins. Code § 10140; "Sex" is defined as "including[ing] a person's gender identity and gender related appearance and behavior whether or not stereotypically associated with a person's assigned sex at birth." See, DHCS, All Plan Letter 24-017 (Dec. 5, 2024), <https://www.dhcs.ca.gov/formsandpubs/Documents/MMCDAPLsandPolicyLetters/APL%202024/APL24-017.pdf>.
- 19 Health & Saf. Code, § 1367.043; Ins. Code, §§ 10133.13, 10133.14; Welf. & Inst. Code, § 14197.09; Cal. Code Regs. Title 10 § 2561.2; Health & Saf. Code § 1365.5; Ins. Code, *supra*, § 10140; See, Cal. Dept. Ins., Guidance SB 923: 1 (Sept. 1, 2024), <https://www.insurance.ca.gov/0250-insurers/0500-legal-info/0200-regulations/HealthGuidance/upload/SB-923-Guidance-re-Trans-Inclusive-Health-Care-for-Individuals-who-Identify-as-Transgender-Gender-Diverse-or-Intersex-Accessible.pdf>.
- 20 Health & Saf. Code, § 1374.72; Ins. Code, §§ 10144.5, 10144.52.
- 21 Cal. Code Regs. Title 28 § 1300.74.72.01; Title 10 § 2562.02, subd. (c).
- 22 Ins. Code § 10144.5, subd. (d); 10 Code Reg. §§ 2240.1, subd. (e), *supra*, 2561.2.
- 23 Health & Saf. Code § 1368.
- 24 Ins. Code, § 11589.1.
- 25 Pen. Code, § 13778.3; *see also id.* at § 1334.2, subd. (f) (judges may not order a witness to appear in an out of state criminal prosecution based on laws authorizing a criminal penalty for performing, receiving, supporting, or aiding in gender affirming care); *see also* Civ. Pro. Code, § 2029.300, subd. (e) (a subpoena may not be issued if based on violation of another state's laws that interfere with the right to allow a child to receive gender-affirming healthcare, or if the subpoena would require the disclosure of gender-affirming healthcare services related to another state's civil action penalizing that care).

- State and local law enforcement are generally prohibited from arresting or assisting with extraditing anyone in connection with lawfully providing, facilitating, or receiving gender-affirming care in California.<sup>26</sup>
- State and local law enforcement employees and entities are prohibited from cooperating with, providing information to, or using public resources to aid investigations or proceedings related to providing gender-affirming care in California.<sup>27</sup>
- A subpoena may not be issued if it is based on violation of another state’s laws that interfere with the right to allow a child to receive gender-affirming healthcare, or if the state subpoena would require the disclosure of gender-affirming healthcare services related to another state’s civil action penalizing that care.<sup>28</sup>
- A person may institute a civil action for injunctive, monetary, or other appropriate relief against someone who engages in abusive litigation that infringes on or interferes with gender-affirming care in California.<sup>29</sup>

Healthcare practitioners are also protected from:

- Denial of application for licensure or suspension, revocation, or other discipline based on the performance, recommendation, or provision of gender-affirming care by medical boards that certify health professionals.<sup>30</sup>
- Denial or restriction of staff privileges based on any out-of-state action against a healthcare practitioner for providing gender-affirming care.<sup>31</sup>

## Privacy Protections

Under the federal Health Insurance Portability and Accountability Act (HIPAA) and California privacy laws, you have the right to keep your medical records and history private.<sup>32</sup> Healthcare providers, health plans, and insurance companies cannot share your personal health information (PHI) with anyone, except in limited circumstances.<sup>33</sup>

26 Pen. Code, § 13778.3; *see also id.* at § 1334.2, subd. (f) (judges may not order a witness to appear in an out of state criminal prosecution based on laws authorizing a criminal penalty for performing, receiving, supporting, or aiding in gender-affirming care); Pen. Code, § 819, subd. (b) (prohibition on extradition); *see also fn. 9, supra.*

27 Pen. Code, § 13778.3, subd. (b).

28 Code Civ. Proc., § 2029.300, subds. (e) and (a).

29 Civ. Code § 1798.303.

30 Bus. & Prof. Code, §§ 850.1, 852.

31 *Id.* at § 805.9.

32 42 U.S.C. §§ 1320d-1320d-9); Civ. Code, § 56 et seq.

33 *Ibid.*

## Additional Protections

California’s Lesbian, Gay, Bisexual, and Transgender Long-Term Care Facility Residents Bill of Rights prohibits discrimination against individuals in long-term care facilities based on their actual or perceived sexual orientation, gender identity, gender expression, or HIV status.<sup>34</sup>

California requires that foster youth, including transgender, nonbinary, intersex, and gender expansive youth in foster care, have access to medically necessary gender-affirming care, including gender-affirming mental healthcare, based on prevailing standards of care.<sup>35</sup>

Transgender and intersex youth detained in California juvenile facilities have the right to have access to medical and behavioral health providers qualified to provide care and treatment to transgender and intersex youth.<sup>36</sup>

## Additional Resources

California has a number of resources for transgender people and the broader LGBTQ+ community:

- California Department of Justice’s [Health Equity and Civil Rights webpage](#)
- California Department of Justice’s [LGBTQ+ Discrimination Rights webpage](#)
- [Transgender, Gender Diverse, and Intersex \(TGI\) Inclusive Care Act](#)
- California Department of Health Care Services’ [Medi-Cal State Inmate Program and Medi-Cal County Inmate Program webpage](#)
- California Civil Rights Department’s [The Rights of Employees Who Are Transgender or Gender Nonconforming fact sheet](#)
- California Department of Insurance’s [Equal Access to Health Insurance: Coverage for Transgender Californians webpage](#)
- California Department of Managed Health Care’s [TGI Care webpage](#)

34 Lesbian, Gay, Bisexual, and Transgender Long-Term Care Facility Residents’ Bill of Rights, Health & Saf. Code, §§ 1439.50-1439.54; Cal. Code Regs., tit. 22, § 72517.

35 Welf. & Inst. Code, § 16001.9, subd. (a)(22)(A); Welf. & Inst. Code, § 16010.2, subd. (b)(1).

36 Cal. Code Regs., tit. 15, § 1352.5(b).

# 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).