



AB 830 - Gender Violence Civil Action

SUMMARY

AB 830 would clarify that the protections against and remedies for violence motivated by a person’s gender provided by Civil Code §52.4 are available to transgender individuals and others targeted for violence because of their sexual orientation, gender identity or gender expression.

BACKGROUND

Although the lesbian, gay and bisexual community has made tremendous progress in civil rights protections, violence motivated by a person’s sexual orientation remains a serious problem. The problem is particularly acute for transgender individuals, who continue to face discrimination, violence and even death.

According to a 2010 National Intimate Partner and Sexual Violence Survey (NISVS), approximately one in eight lesbian women and nearly half (46%) of bisexual women experience rape in their lifetime. Most striking is that 64% of transgender people have experienced sexual assault in their lifetime. The study also showed that one in three bisexual women and one in six heterosexual women have experienced stalking victimization at some point during their lifetime.

Furthermore, recent cases have exposed conflicting interpretations of various statutes, including the Unruh, Ralph and Bane Civil Rights Acts. Specifically, *Gatto v. County of Sonoma* (2002) 98 Cal.App.4th 744, held that the Unruh Act only comprises Civil Code §51 and does not include §§51.7 and 52.1, which deals with violence or threats of violence and deprivation of constitutional rights, respectively. In *Stamps v. Superior*

Court (2006), 136 Cal.App.4th 1441, 1452, the Court re-affirmed the holding in *Gatto* and specifically held that Civil Code Sections 51.7 and 52.1 are not included in Civil Code Section 51.

These rulings raise concern whether the terms and definitions found within the Unruh, Ralph and Bane Civil Rights Acts are clear and applied consistently.

The Unruh Civil Rights Act (Civil Code §51) defines gender as “sex, and includes a person’s gender identity and gender expression. Gender expression is further defined as a “person’s gender-related appearance and behavior whether or not stereotypically associated with the person’s assigned sex at birth.”

THIS BILL

AB 830 would specify that “gender” under Civil Code §52.4, providing protection against gender violence, has the same definition as under the Unruh Civil Rights Act, thereby clarifying that the section’s protections and remedies apply to transgender individuals. The bill also specifies that gender violence includes violence motivated by a victim’s sexual orientation, as well as his or her gender identity or gender expression.

SUPPORT

Conference of California Bar Associations (sponsor)

FOR MORE INFORMATION

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