

Assembly Joint Resolution No. 45

RESOLUTION CHAPTER 169

Assembly Joint Resolution No. 45—Relative to civil rights.

[Filed with Secretary of State September 1, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

AJR 45, Chiu. Civil rights: the Equality Act.

This act would urge the United States Congress to enact the Equality Act of 2015, which would amend the Civil Rights Act of 1964 to include protections on the basis of sexual orientation, gender identity, and sex for, among other things, employment, housing, public education, and public accommodations.

WHEREAS, While the Fourteenth Amendment of the United States Constitution guarantees all citizens equal protection under the law and the Civil Rights Act of 1964 outlaws discrimination based on race, color, religion, sex, or national origin, no federal law enumerates discrimination protections for lesbian, gay, bisexual, and transgender (LGBT) Americans. While the United States Supreme Court's ruling in *Obergefell v. Hodges* (2015) 192 L.Ed.2d 609 brought marriage equality to all 50 states, LGBT Americans still face discrimination in their daily lives and remain at risk of being fired or denied services on the basis of who they are or who they love because the majority of states still lack explicit, comprehensive nondiscrimination protections; and

WHEREAS, The Equality Act of 2015 amends the Civil Rights Act of 1964 to include sex, sexual orientation, and gender identity among the prohibited categories of discrimination, effectively protecting LGBT Americans in the areas of employment, housing, public accommodations, public education, access to federal funding, access to credit, and the opportunity to serve on a jury. The 2015 Equality Act's comprehensive approach to updating the Civil Rights Act of 1964 would include protections for many Americans beyond the LGBT community; and

WHEREAS, Despite the 1964 Civil Rights Act's prohibition against gender discrimination in certain areas, such as employment and housing, women still face discrimination in public facilities and in receiving federal financial assistance. The Equality Act of 2015 would ensure that women have equal access to public accommodations and public funds, and that federal funding could not be spent in a manner that encourages discrimination based on sex; and

WHEREAS, While many public accommodations are considered protected places under current law, people of color still face discrimination in places that include stores, banks, transportation services, and health care services.

The Equality Act of 2015 updates the federal definition of public accommodations to ensure all individuals are able to fully access and utilize social and public places regardless of who they are; and

WHEREAS, In a growing number of states, Religious Freedom Restoration Acts (RFRAs) and similar laws are being invoked in an attempt to justify discrimination against the LGBT community. The Equality Act of 2015 retains exemptions that religious organizations and schools already enjoy, but would ensure that religion could not be used as a justification for refusing service on the basis of race, color, religion, sex, national origin, sexual orientation, or gender identity; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature calls upon the United States Congress to pass the Equality Act of 2015, which would amend the Civil Rights Act of 1964 to include protections on the basis of sexual orientation, gender identity, and sex in the areas of employment, housing, public accommodations, public education, federal funding, credit, and the jury system; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Speaker of the House of Representatives, to the Majority Leader of the Senate, and to each Senator and Representative from California in the Congress of the United States.