

AMENDED IN SENATE JUNE 22, 1999  
AMENDED IN ASSEMBLY APRIL 14, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 407**

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**Introduced by Assembly Member Cedillo**

February 12, 1999

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An act to amend Sections 51 and 51.7 of the Civil Code, relating to discrimination.

LEGISLATIVE COUNSEL'S DIGEST

AB 407, as amended, Cedillo. Discrimination.

Existing law provides that all persons within the state are free and equal and, no matter what their sex, race, color, religion, ancestry, national origin, or disability are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever.

Existing law would extend this provision to also provide that all people are entitled to equal accommodations, advantages, facilities, privileges, or services in business establishments, no matter what their immigration status.

Existing law provides that all persons within the jurisdiction of this state have the right to be free from any violence, or intimidation by threat of violence, committed against their persons or property because of their race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, disability, or position in a labor dispute, or

because another person perceives them to have one or more of those characteristics.

This bill would extend this provision to also provide that all persons are entitled to be free from violence or intimidation because of immigration status.

The bill would also state that it is declaratory of existing law, and ~~that it is not set forth~~ the intent of the Legislature ~~to affect the protected status of any other classification under the Unruh Civil Rights Act.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 51 of the Civil Code is amended  
2 to read:

3 51. This section shall be known, and may be cited, as  
4 the Unruh Civil Rights Act.

5 All persons within the jurisdiction of this state are free  
6 and equal, and no matter what their sex, race, color,  
7 religion, ancestry, national origin, immigration status, or  
8 disability are entitled to the full and equal  
9 accommodations, advantages, facilities, privileges, or  
10 services in all business establishments of every kind  
11 whatsoever.

12 This section shall not be construed to confer any right  
13 or privilege on a person that is conditioned or limited by  
14 law or that is applicable alike to persons of every sex,  
15 color, race, religion, ancestry, national origin,  
16 immigration status, or disability.

17 Nothing in this section shall be construed to require any  
18 construction, alteration, repair, structural or otherwise,  
19 or modification of any sort whatsoever, beyond that  
20 construction, alteration, repair, or modification that is  
21 otherwise required by other provisions of law, to any new  
22 or existing establishment, facility, building,  
23 improvement, or any other structure, nor shall anything  
24 in this section be construed to augment, restrict, or alter  
25 in any way the authority of the State Architect to require  
26 construction, alteration, repair, or modifications that the



1 State Architect otherwise possesses pursuant to other  
2 laws.

3 A violation of the right of any individual under the  
4 Americans with Disabilities Act of 1990 (Public Law  
5 101-336) shall also constitute a violation of this section.

6 SEC. 2. Section 51.7 of the Civil Code is amended to  
7 read:

8 51.7. (a) All persons within the jurisdiction of this  
9 state have the right to be free from any violence, or  
10 intimidation by threat of violence, committed against  
11 their persons or property because of their race, color,  
12 religion, ancestry, national origin, immigration status,  
13 political affiliation, sex, sexual orientation, age, disability,  
14 or position in a labor dispute, or because another person  
15 perceives them to have one or more of those  
16 characteristics. The identification in this subdivision of  
17 particular bases of discrimination is illustrative rather  
18 than restrictive.

19 This section does not apply to statements concerning  
20 positions in a labor dispute—~~which~~ *that* are made during  
21 otherwise lawful labor picketing.

22 (b) As used in this section, “sexual orientation” means  
23 heterosexuality, homosexuality, or bisexuality.

24 SEC. 3. The Legislature finds and declares that the  
25 amendments to Sections 51 and 51.7 of the Civil Code  
26 made by this act are declaratory of existing law. It is not  
27 the intent of the Legislature in amending the Unruh Civil  
28 Rights Act to affect the protected status of any other  
29 classification whether or not expressed in Section 51 of the  
30 Civil Code. *The amendment to Section 51 specifying that*  
31 *immigration status may not be a basis for discrimination*  
32 *shall not prohibit creditors from taking immigration*  
33 *status into consideration in credit decisions as permitted*  
34 *by the federal Equal Credit Opportunity Act and Federal*  
35 *Reserve Board Regulation B.*

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