

Introduced by Senator SteinbergFebruary 27, 2009

An act to amend Section 51 of the Civil Code, relating to civil rights.

LEGISLATIVE COUNSEL'S DIGEST

SB 786, as introduced, Steinberg. Civil rights.

The Unruh Civil Rights Act generally prohibits business establishments from discriminating on the basis of sex, race, color, religion, ancestry, national origin, disability, medical condition, marital status, or sexual orientation, as defined. The Unruh Civil Rights Act provides civil remedies for violations of its provisions.

This bill would make technical, nonsubstantive changes to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
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 to read:
2 51. (a) This section shall be known, and may be cited, as the
3 Unruh Civil Rights Act.
4 (b) All persons within the jurisdiction of this state are free and
5 equal, and no matter what their sex, race, color, religion, ancestry,
6 national origin, disability, medical condition, marital status, or
7 sexual orientation are entitled to the full and equal
8 accommodations, advantages, facilities, privileges, or services in
9 all business establishments of every kind whatsoever.
10 (c) This section shall not be construed to confer any right or
11 privilege on a person that is conditioned or limited by law or that

1 is applicable alike to persons of every sex, color, race, religion,
2 ancestry, national origin, disability, medical condition, marital
3 status, or sexual orientation.

4 (d) Nothing in this section shall be construed to require any
5 construction, alteration, repair, structural or otherwise, or
6 modification of any sort whatsoever, beyond that construction,
7 alteration, repair, or modification that is otherwise required by
8 other provisions of law, to any new or existing establishment,
9 facility, building, improvement, or any other structure, nor shall
10 anything in this section be construed to augment, restrict, or alter
11 in any way the authority of the State Architect to require
12 construction, alteration, repair, or modifications that the State
13 Architect otherwise possesses pursuant to other laws.

14 (e) For purposes of this section:

15 (1) “Disability” means any mental or physical disability as
16 defined in Sections 12926 and 12926.1 of the Government Code.

17 (2) “Medical condition” has the same meaning as defined in
18 subdivision (h) of Section 12926 of the Government Code.

19 (3) “Religion” includes all aspects of religious belief,
20 observance, and practice.

21 (4) “Sex” has the same meaning as defined in subdivision (p)
22 of Section 12926 of the Government Code.

23 (5) “Sex, race, color, religion, ancestry, national origin,
24 disability, medical condition, marital status, or sexual orientation”
25 includes a perception that the person has ~~any~~ a particular
26 characteristic or characteristics within the listed categories or that
27 the person is associated with a person who has, or is perceived to
28 have, ~~any~~ a particular characteristic or characteristics within the
29 listed categories.

30 (6) “Sexual orientation” has the same meaning as defined in
31 subdivision (q) of Section 12926 of the Government Code.

32 (f) A violation of the right of any individual under the Americans
33 with Disabilities Act of 1990 (Public Law 101-336) shall also
34 constitute a violation of this section.