



2024 Lobby Days

Materials Packet

Please check the AAUW California website www.aauw-ca.org for the most current information.

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2024 Lobby Days

Welcome to Lobby Days 2024

Welcome to Lobby Days 2024!

Thanks to all of you amazing, empowered AAUW members, we are on our way to a successful and engaging Lobby Days 2024. The event will take place over two days, on April 2nd and 3rd, 2024.

We have over 150 members who have registered to participate. Forty members will be meeting with legislators or their staff in-person in Sacramento, and the rest will be holding their meetings via Zoom. This annual act of advocacy would not be possible without your participation, and the Public Policy Committee appreciates your commitment to AAUW California's public policy priorities.

Below are some details about the event:

- Teams have been formed based on shared legislators, and we have tried to keep branch members together where possible. Teams typically consist of 3-5 members, and a Team Leader has been designated for every team.
- Team Leader responsibilities can be found [here](#).
- In some instances where there is only one AAUW member in a district, the Lobby Days committee has assigned out-of-district members to fill out the team.
- We are working to schedule meetings with 49 Assembly offices and 29 Senate offices. We will provide details of your meeting day/time and the Zoom link as soon as these are available.
- Remember, the purpose of Lobby Days is to convey AAUW California's message to our elected officials by advancing our priority bills and asking for their support. In order to do this we need to defer to their schedules, so we may not always be able to accommodate the schedule requests that you had indicated on your registration form. Flexibility is key to making this work for everyone.

The three priority bills that we will be advancing on Lobby Days are:

- AB 2843 Health Care Coverage for Rape and Sexual Assault Survivors
- AB 2326 Public Postsecondary Education: Title IX
- AB 2099 Protecting Reproductive Health Clinics

Bill fact sheets and talking points will be posted on the website shortly.

Our committee will be reviewing all this information with you at the mandatory training webinar on **Monday, March 25th at 7:00 pm**. Register [HERE](#) if you have not already done so. You will receive a reminder prior to the meeting. We look forward to seeing you there.



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Thank you Letter to Legislator Office 2024

Dear (Legislator or Staffer).

Thank you for taking time to meet with our AAUW California members about upcoming votes on legislation that affects women and girls. It was helpful to hear your perspective on these bills as they move through committees and eventually to the floor for voting.

Your favorable vote on AB 2843, AB 2326, and AB 2099 would be greatly appreciated by AAUW California, and show your support for legislation that will improve the lives of women and girls in our state. Feel free to contact me if you have any questions about our position on these bills.

With our gratitude,

(Team Leader for visit)

email

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Team Leader's Responsibilities

Thank you for agreeing to be a Lobby Days Team Leader!

Team Leaders are AAUW California Public Policy Committee members, Public Policy branch officers, branch Presidents, or if none of the above is assigned to a team, our LD subcommittee will invite a Team member to assume the role.

Team Leaders will be asked to:

1. Be the point of contact for all communications with the Lobby Days committee.
2. Contact your Team members and confirm that they are available on the scheduled dates and times.
3. Make sure Team members have the meeting location or Zoom link.
4. Decide what Team members are assigned to present the 3 bills.
5. Meet with Team members before the training to make sure everyone knows their role. We strongly recommend that you do a "dry run" as a team.
6. Take the lead in presenting the Team members and our bills to the Legislator or his/her staff.
7. Send a "[Thank you](#)" email to the legislator or staff that you met with.
8. Help us track the success of Lobby Days by completing a "[Visit Evaluation](#)" form.

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Information for Team Sacramento

Hello Wonderful AAUW California Advocates,

We are so excited that you are planning to come to the Capitol! Meeting in person with legislators and/or their staff is the most effective way to advocate on behalf of AAUW California.

Below is some information that will be helpful for your time in Sacramento. We will continue updating this page, so please check back!

Home Base Location:

- Office of Kathy Van Osten, Legislative Advocate: MVM Strategy Group, 1121 L Street Suite 612, Sacramento, CA 95814

Legislative Office Meetings Location:

- Capitol Annex "Swing Space" located at 1021 O Street, Sacramento, CA 95814

Parking/Transportation:

- Near MVM Strategy Group office, there are two parking garages. They run about \$25/day. These garages are 3 to 4 blocks away from the "Swing Space."
- Near the Capitol Annex "Swing Space," parking is not good. There is a big public parking garage catty-corner from the building at 10th and O St. The garage is cash only and often fills before 10:00am.
- Uber is recommended to get to the "Swing Space" for anyone who wants to avoid walking several blocks.

Group Lunch:

- We are making plans for a group "meet-up" lunch on April 2. More details to follow - check back here.

Group Photo:

- At some point during the event, we will take a group photo. More details to follow - check back here.

In case you have any issues during the event, text or call:

- In Sacramento:
 - Kathy Van Osten 916-605-9293
 - Missy Maceyko 724-309-7026
 - Kathi Harper 760-271-8970
- Virtual:



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Information for Team Sacramento

- Amy Hom 650-823-9661

Lobby Days Visit Report

Please submit your responses by April 6, 2024.

* Indicates required question

Team Composition

1. **Team Members ***

Please enter names of members who participated in the meeting.

2. **Team Leader ***

3. **Team No ***

Mark only one oval.

Sacramento Team 1 - 10

Zoom Team 1 - 36

Legislator Information

4. **Did you meet with an Assembly or Senate office? ***

Mark only one oval.

Assembly member

Senator

5. **Legislator name ***

6. **District # ***

7. **With whom was the meeting? ***

Mark only one oval.

Legislator

Staff

8. **If Staff, please supply the name**

9. **Was Legislator/Staff familiar with AAUW? ***

Mark only one oval.

Yes

No

10. **Was opportunity given to explain who we are and what we do? ***

Mark only one oval.

Yes

No

11. **Did the legislator or staff provide any pertinent comments about AAUW?**

Bill AB 2843

Health Care Coverage for Rape and Sexual Assault Survivors

12. **Did AAUW member have adequate time to explain this bill? ***

Mark only one oval.

Yes

No

13. **Did legislator/staff have questions/comments about this bill?**

14. **Will Legislator/Staff support this bill? ***

Mark only one oval.

Yes

No

Unknown

15. **If no, did they state their objections?**

Bill AB 2326

Public Postsecondary Education: Sex Discrimination Policies

16. **Did AAUW member have adequate time to explain this bill? ***

Mark only one oval.

Yes

No

17. **Did legislator/staff have questions/comments about this bill?**

18. **Will Legislator/Staff support this bill? ***

Mark only one oval.

Yes

No

Unknown

19. **If no, did they state their objections?**

Bill AB AB 2099

Protecting Reproductive Health Clinics

20. **Did AAUW member have adequate time to explain this bill? ***

Mark only one oval.

Yes

No

21. **Did legislator/staff have questions/comments about this bill?**

22. **Will Legislator/Staff support this bill? ***

Mark only one oval.

Yes

No

Unknown

23. **If no, did they state their objections?**

Additional Comments

24. **Any additional comments/things we should know?**

This content is neither created nor endorsed by Google.

Google Forms

2024 Lobby Days

Meeting Logistics

Meeting overview

- Meetings will last about 20 minutes.
- Team Leader makes introductions, presents overview of AAUW, AAUW California, and leader's branch if in district.
- Other team members give overview of their branch if in district.
- Members explain their assigned bill, and ask for a commitment of support.
- Team Leader thanks the legislator or staff, gets contact info for follow-up.

Before the meeting:

- Team Leader does not need to contact the legislator offices. They have received the meeting details from us.
- For those meeting in person, be ready to begin on time.
- For those meeting on Zoom, all members should make sure they are familiar with Zoom and that equipment is in working order.
- **Questions about one of your legislators, or any of your meetings?**
 - Contact Kathy Van Osten 916-605-9293.

After the meeting:

- Team leaders will have documents for specific feedback for each meeting. Please be sure to note any questions or requests for specific information that we will need to follow up on, so that we can respond and get that information to the legislator.
- Complete an online visit evaluation form [HERE](#).
- Team leaders, please send a thank you email to the member/staffer that you met with.

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Meeting Dos and Don'ts

Do's

Before the Meeting

- Do some homework. Know where the member stands on AAUW's values.
- Make sure you understand the bills. Review the bill talking points and ask if you're not sure.
- If you are meeting over Zoom, make sure your equipment is working and there are no distractions.

During the Meeting

- RELAX! They're just people!
- Let them know if you are a constituent.
- Let your pride in AAUW shine through.
- Stick to your allotted time.
- It's okay to read from the talking points.
- Give them time to ask questions and listen carefully to responses.
- It's okay to say "I don't know." Tell them you'll find out and that someone will circle back.
WRITE IT DOWN!
- Ask if we can count on the member's support.

Don'ts

- If you have been a campaign contributor, DO NOT MENTION IT!
- Don't be late. Check in a few minutes ahead of time to avoid computer glitches.
- If the legislator is about to speak or is speaking, do not interrupt.
- Don't ramble.
- Don't eat or drink. It's only 20 minutes!

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Meeting Dos and Don'ts

Some "Don't Forgets"

- Designate someone to take a picture of the screen.
- Be flexible.
 - We may have last-minute changes beyond our control.
 - Your member or staffer may be late.
 - Your member or staffer may have to cut the meeting short.
 - There may be technical glitches.
 - Be courteous no matter what.
- Get contact info.
- Make note of questions/concerns/responses.
- Send a thank you email.

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Meeting Script - Team Leader Introduction

Intro will usually be done by the Team Leader

Good [morning][afternoon]. On behalf of AAUW California, we want to thank you so much for giving us the opportunity to meet with you today. My name is []. I am from the [] branch of AAUW, and these are my colleagues [introduce each or let them introduce themselves, with branch name].

I'd like to take a few minutes to tell you about AAUW, the American Association of University Women, but may I ask first if you are familiar with our organization? (Give them a chance to tell you what they might already know – don't waste time on info they already have, just fill in whatever is missing) – highlights:

- Nationwide organization started in 1881
- Headquartered in Wash D.C., affiliates in all 50 states, including CA
- We are known as AAUW California. We were organized in 1921 and incorporated in 1956. We currently have 116 branches and 9,500 members.
- AAUW's mission is to advance equity for women and girls through research, education, and advocacy, and our values include ensuring equity for a diverse society.

[If you are all from the same branch and your branch is in district]: Our branch is in your/the member's district, and [if appropriate] we appreciate the support you/the member has shown for issues we care about. I'd like to tell you a little about the things our branch is doing for your/the member's community [highlights of current/recent events].

[If none of your members are from the legislator's district]: I will tell you, none of us are from your district. We were asked to meet with you/your office because it is an important district and unfortunately none of our members from your district were available. If I may, I'd like to tell you just in general the kinds of activities branches are engaged in throughout California [some ideas: Tech Trek, scholarships, Gov Trek, community education, Get out the Vote, School Board Project].

Can I answer any questions for you about AAUW?

Every year, AAUW California sets a legislative agenda of about 30 bills that we are supporting. We have chosen our top 3 that we'd like to talk to you about today, and at this point I will turn it over to my colleagues, each of whom will address one of our bills.



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Meeting Script - Closing

Closing may be done by Team Leader or one of the team members

Thank you again so much for your time and attention.

[If you are meeting with the legislator]: Can you give me the name and contact for the person we should send follow-up responses and material to?

[If you are meeting with a staffer]: Can you spell your name and give me your contact info so we can send responses and material to you?

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Bill Script

Bills will usually be presented by team members

I'd also like to thank you for giving us the opportunity to talk to you today. [If you are in-district and the Team Leader is not from your district, you should introduce your branch and talk about some of the activities your branch has engaged in that support the district.]

I'd like to talk to you today about [Bill No.] [Refer to talking points.]

Do you have any questions for me about [Bill No.]? [If you can answer, do so. If you can't answer, say: I'm not sure about that, but I will definitely have someone from our state public policy team get back to you with an answer right away.]

May I indicate that AAUW will have your support for [Bill No.]? [If they say "no" don't argue, just ask them if they would mind sharing their concerns, then write them down.]

[Each member will repeat in turn.]

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Talking Points for Assembly Bill 2843

Health Care Coverage for Rape and Sexual Assault Survivors

Author: Assembly Member Cottie Petrie-Norris

(AAUW California Sponsored)

The Problem:

- Access to medical care after a sexual assault is not only necessary for the health of the survivor, but also for gathering evidence that leads to perpetrators' convictions.
- Only 20% of rape survivors seek medical care following a rape, which leaves predators on the streets, and places many survivors in potentially dangerous situations if they fear retribution for seeking care and/or reporting a rape. Cost considerations contribute to this underreporting. Out of every 1,000 rapes, there are only 50 arrests; of which, there are 28 convictions; and only 25 rapists serve time.
- Prohibitive cost is one of the reasons many sexual assault survivors do not seek medical care following their assault.
- Currently, rape kits and forensic exams are provided free of charge under the federal Violence Against Women Act.
- **However, ER visits are covered only for those who are on MediCal or Medicare (with sufficient coverage). Rape Survivors pay an average co-pay for ER visits of about 14% — or \$350 to \$500.**
- Other costs, including diagnostics, lab testing, emergency contraception, drug testing, medical treatment for physical trauma and followup care **are subject to cost-sharing**, which can have a chilling effect on survivors who wish to seek care, but are unable to afford the cost-sharing requirements for that care.
- The California Victims' Compensation Board (CalVCB) can be tapped into, but it only provides compensation after all available reimbursement and recovery sources are used, including medical insurance, disability insurance, employer benefits, and civil suits. The process takes time and requires the survivor to pay costs up front and potentially take on debt in a way that is detrimental as they await compensation. And not everyone is eligible for CalVCB.
- Another factor that prevents some rape survivors from seeking care is when their rapist is a domestic partner or spouse, and receiving a bill for co-pays can trigger further domestic violence for the survivor.

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Talking Points for Assembly Bill 2843

The Proposed Solution - AB 2843:

- While many factors may impact a person's decision to seek care and/or report a rape, costs for medical care should not be one of them.
- AB 2843 eliminates cost-sharing, including deductibles, from being imposed on any rape survivor seeking medical care following a rape.
- AB 2843 removes the issue of cost-sharing as a barrier to a rape survivor seeking care and forensic testing. While forensic exams and rape kits are free, other costs associated with an ER visit are not, for those with private insurance. AB 2843 ensures that those individuals who wish to report a rape and file charges will have the benefit of a rape kit test and forensic exam to provide evidence to secure more convictions for acts of sexual violence. **In addition, they can receive the care that they need following a traumatic sexual attack.**

Ask your Senator or Assembly Member to vote "aye" on AB 2843!

ASSEMBLY BILL

No. 2843

**Introduced by Assembly Member Petrie-Norris
(Coauthor: Assembly Member Addis)**

February 15, 2024

An act to add Section 1367.37 to the Health and Safety Code, and to add Section 10123.211 to the Insurance Code, relating to health care coverage.

LEGISLATIVE COUNSEL'S DIGEST

AB 2843, as introduced, Petrie-Norris. Health care coverage: rape and sexual assault.

Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the licensure and regulation of health care service plans by the Department of Managed Health Care and makes a willful violation of the act a crime. Existing law provides for the regulation of health insurers by the Department of Insurance.

Existing law requires a victim of sexual assault who seeks a medical evidentiary examination to be provided with one, as specified. Existing law prohibits costs incurred by a qualified health care professional, hospital, clinic, sexual assault forensic examination team, or other emergency medical facility for the medical evidentiary examination portion of the examination of the victim of a sexual assault, as described in a specified protocol, when the examination is performed as specified, from being charged directly or indirectly to the victim of the assault.

This bill would require a health care service plan or health insurance policy that is issued, amended, renewed, or delivered on or after January 1, 2025, to provide coverage without cost sharing for emergency room medical care and follow-up health care treatment for an enrollee or

insured who is treated following a rape or sexual assault. The bill would prohibit a health care service plan or health insurer from requiring, as a condition of providing coverage, (1) an enrollee or insured to file a police report, (2) charges to be brought against an assailant, (3) or an assailant to be convicted of rape or sexual assault. Because a violation of the bill by a health care service plan would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) The Center for Disease Control and Prevention’s National
- 4 Intimate Partner and Sexual Violence Survey published in 2017
- 5 reported that one in four American women reported they were
- 6 subjected to a completed or attempted rape at least once in their
- 7 life. One in three women are injured during their assault. About 1
- 8 in 26 American men reported being subjected to a completed or
- 9 attempted rape in their lifetime.
- 10 (b) In 2022, the New England Journal of Medicine reported that
- 11 only 20 percent of sexual assault survivors seek medical care,
- 12 which includes the collection of forensic evidence via rape kits.
- 13 Survivors may not seek care or report because they know their
- 14 attacker and fear retribution, or because they may feel shame.
- 15 Many do not seek medical care because of the high cost of
- 16 emergency room visits, despite the fact that forensic evidence
- 17 collection and other services are provided without cost to the
- 18 survivor.
- 19 (c) Findings indicate that indigenous people are more likely to
- 20 experience rape or sexual assault. Findings also notes that
- 21 transgender students experience higher rates of rape or sexual
- 22 assault than nontransgender students.

1 (d) In 2022, the Journal of the American Medical Association
2 reported that sexual assault survivors from the lowest income
3 quartile by zip code were overrepresented in emergency department
4 visits. Survivors 18 to 25 years of age accounted for 41.2 percent
5 to 48.6 percent of emergency department visits following rapes
6 and sexual assaults.

7 (e) The average costs for medical care following a rape or sexual
8 assault is \$3,673. For pregnant survivors, those costs average closer
9 to \$4,500.

10 (f) Insured survivors pay about 14 percent of emergency room
11 costs out of pocket.

12 (g) High-cost medical care expenses not only discourage sexual
13 assault reporting, but the lack of reporting also prevents a survivor
14 from seeking justice and prevents law enforcement from obtaining
15 the evidence necessary to bring an assailant to justice.

16 (h) Moreover, without the evidentiary tools to remove sexual
17 predators from society, serial rapists are enabled to continue to
18 commit violent, traumatic crimes against individuals.

19 (i) According to the Rape, Assault and Incest National Network
20 (RAINN), only 25 perpetrators out of every 1000 rapes will serve
21 time for their crime.

22 SEC. 2. Section 1367.37 is added to the Health and Safety
23 Code, to read:

24 1367.37. (a) A health care service plan contract issued,
25 amended, or renewed on or after January 1, 2025, excluding a
26 specialized health care service plan contract, shall provide coverage
27 for emergency room medical care and follow-up health care
28 treatment for an enrollee who is treated following a rape or sexual
29 assault, as defined in Sections 261, 261.6, 263, 263.1, and 288.7
30 of the Penal Code, without imposing cost sharing, including
31 copayments and deductibles.

32 (b) A health care service plan shall not require any of the
33 following to provide coverage under this section:

34 (1) An enrollee to file a police report on the rape or sexual
35 assault.

36 (2) Charges to be brought against an assailant.

37 (3) An assailant to be convicted of an offense listed in
38 subdivision (a).

39 (c) (1) This section does not authorize an enrollee to receive
40 the services required to be covered by this section if those services

1 are furnished by a nonparticipating provider, except as specified
2 in paragraph (2).

3 (2) A plan shall arrange for the provision of services required
4 by this section from providers outside the plan’s network if those
5 services are unavailable within the network to ensure timely access
6 to covered health care services consistent with Section 1367.03.

7 (d) “Cost sharing” includes any copayment, coinsurance, or
8 deductible, or any other form of cost sharing paid by the enrollee
9 other than premium or share of premium.

10 SEC. 3. Section 10123.211 is added to the Insurance Code, to
11 read:

12 10123.211. (a) A health insurance policy that is issued,
13 amended, or renewed on or after January 1, 2025, excluding a
14 specialized health insurance policy, shall provide coverage for
15 emergency room medical care and follow-up health care treatment
16 for an insured who is treated following a rape or sexual assault, as
17 defined in Sections 261, 261.6, 263, 263.1, and 288.7 of the Penal
18 Code, without imposing cost sharing, including copayments and
19 deductibles.

20 (b) A health insurer shall not require any of the following to
21 provide coverage under this section:

22 (1) An insured to file a police report on the rape or sexual
23 assault.

24 (2) Charges to be brought against an assailant.

25 (3) An assailant to be convicted of an offense listed in
26 subdivision (a).

27 (c) (1) This section does not authorize an insured to receive the
28 services required to be covered by this section if those services
29 are furnished by a nonparticipating provider, except as specified
30 in paragraph (2).

31 (2) A health insurer shall arrange for the provision of services
32 required by this section from providers outside the insurer’s
33 network if those services are unavailable within the network to
34 ensure timely access to covered health care services consistent
35 with Section 10133.54.

36 (d) “Cost sharing” includes any copayment, coinsurance, or
37 deductible, or any other form of cost sharing paid by the insured
38 other than premium or share of premium.

39 (e) This section does not apply to specialized health insurance,
40 Medicare supplement insurance, CHAMPUS supplement insurance,

1 or TRI-CARE supplement insurance, or to hospital indemnity,
2 accident-only, or specified disease insurance.

3 SEC. 4. No reimbursement is required by this act pursuant to
4 Section 6 of Article XIII B of the California Constitution because
5 the only costs that may be incurred by a local agency or school
6 district will be incurred because this act creates a new crime or
7 infraction, eliminates a crime or infraction, or changes the penalty
8 for a crime or infraction, within the meaning of Section 17556 of
9 the Government Code, or changes the definition of a crime within
10 the meaning of Section 6 of Article XIII B of the California
11 Constitution.

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2024 Lobby Days

Talking Points for Assembly Bill 2326

Public Postsecondary Education: Sex Discrimination Policies

Author: Assembly Member David Alvarez

(AAUW California Sponsored)

The Problem:

- Title IX is intended to not only provide equity in sports and academic programming at our higher education institutions, but also to provide a process for complaints of discrimination, bullying, harassment, sexual harassment, and sexual assault.
- The 2023 State Auditor's report [*California State University: It Did Not Adequately or Consistently Address Some Allegations of Sexual Harassment \(2022-109\)*](#) concluded that the California State University system's handling of Title IX-related complaints has not adequately or consistently addressed allegations of inequity, harassment, and sexual harassment; does not consistently identify and define sexual harassment amongst the institutions, and lacks a consistent method for addressing unprofessional conduct that does not rise to the level of sexual harassment.
- Prior State Auditor reports dating back to 2014 similarly report inadequate Title IX compliance from the University of California and California Community Colleges.

The Proposed Solution - AB 2326:

- AB 2326 requires the Chancellors of the Community Colleges, the State Universities and the President of the University of California to provide an annual report to their respective Board of Governors or Board of Regents on the state of the college or university system in ensuring district programs and activities are free from discrimination and therefore in compliance with Title IX.
- The report should include an overview of the Chancellor's Offices' efforts in monitoring and ensuring the compliance of each district with providing programs and activities free from discrimination, including, but not limited to sexual harassment.
- **This annual report will be publicly, orally presented to the Senate and Assembly Budget Subcommittees on Education Finance by the Chancellors and followed up with Q&A.**

Ask your Senator or Assembly Member to vote "aye" on AB 2326!

ASSEMBLY BILL

No. 2326

Introduced by Assembly Member Alvarez

February 12, 2024

An act relating to public postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 2326, as introduced, Alvarez. Public postsecondary education: sex discrimination policies.

Existing federal law, known as Title IX, prohibits a person, on the basis of sex, from being excluded from participation in, being denied the benefits of, or being subject to discrimination under any education program or activity receiving federal financial assistance. A portion of the Donahoe Higher Education Act known as the Equity in Higher Education Act declares, among other things, that it is the policy of the State of California that all persons, regardless of their sex, should enjoy freedom from discrimination of any kind in the postsecondary educational institutions of the state.

This bill would state the intent of the Legislature to enact future legislation related to the statewide monitoring of the implementation of sex discrimination policies at public postsecondary educational institutions.

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. It is the intent of the Legislature to enact future
- 2 legislation related to the statewide monitoring of the

- 1 implementation of sex discrimination policies at public
- 2 postsecondary educational institutions.

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2024 Lobby Days

Talking Points for Assembly Bill 2099

Protecting Reproductive Health Clinics

Author: Assembly Member Rebecca Bauer-Kahan

The Problem:

- There has been a significant increase in extreme anti-choice attacks against abortion clinics since the overturning of Roe v. Wade.
- Between 2021 and 2022 there was a 100% increase in arson at clinics, with one instance taking place in Burbank, California.
- During the same time period, death threats and threats of harm against care providers increased by 20%.
- Protesters have started using the internet to target providers, patients, and volunteers, posting photos, names, and locations. The threats and online harassment are not only intimidating but also pose serious personal risks.
- While these offenses can be criminal, it can be difficult for law enforcement to take action against offenders.
- California is one of the few places where people can receive safe and legal abortions in the United States. With the risk of criminal prosecution that many women face in other states, protecting patients' privacy and health care access in California has become ever more crucial.

The Proposed Solution - AB 2099:

- Under current California law, it is a misdemeanor to post information about reproductive health care patients or providers with the intent of using that information to commit a crime involving violence or threat of violence against them. **AB 2099 makes it possible for the D.A. to file a violation of these provisions as a felony if the posting and subsequent action by another person results in bodily injury.**
- AB 2099 provides more serious recourse against individuals who personally, or otherwise foment violence or the threat of violence, or work to inhibit or prevent an individual's Constitutional rights, including their access to reproductive health care. **Prosecutors will have latitude to pursue felony charges as they deem fit based upon the severity of the actions taken and the circumstances.**
- AB 2099 further increases legal protections for reproductive health care providers and patients commensurate with the risk they face. It preempts escalations in extremist violence, and protects the rights of individuals seeking and providing necessary healthcare.

Ask your Senator or Assembly Member to vote "aye" on AB 2099!

ASSEMBLY BILL

No. 2099

Introduced by Assembly Members Bauer-Kahan and McCarty

February 5, 2024

An act to amend Section 6218.01 of the Government Code, and to amend Sections 422.6 and 423.3 of the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 2099, as introduced, Bauer-Kahan. Crimes: reproductive health services.

Existing law makes it a crime to post personal information or an image of a reproductive health care services patient, provider, or assistant, or other individuals residing at the same home address with the intent that another person imminently use that information to commit a crime involving violence or a threat of violence against the reproductive health care services patient, provider, or assistant, or other individuals residing at the same home address. Existing law makes a violation of this provision punishable as a misdemeanor. If the violation leads to bodily injury of the person, existing law makes it a misdemeanor punishable by up to one year in a county jail, a fine of up to \$50,000, or both that fine and imprisonment.

This bill would make a violation of these provisions punishable as either a misdemeanor or as a felony, and would make a violation a felony if bodily injury occurs. By increasing the punishment for a crime, this bill would impose a state-mandated local program.

Existing law makes it a misdemeanor to, by force or threat of force, willfully injure, intimidate, interfere with, oppress, or threaten another person in the free exercise or enjoyment of a right or privilege secured by the Constitution or laws of this state or by the Constitution or laws

of the United States in whole or in part because of one or more of specified actual or perceived characteristics of the victim, including disability, gender, religion, race, or sexual orientation.

This bill would make a violation of this provision punishable either as a misdemeanor or as a felony. By increasing the punishment for a crime, this bill would impose a state-mandated local program.

Existing law, the California Freedom of Access to Clinic and Church Entrances Act (the Act), prohibits specified actions that, by force, threat of force, or physical obstruction, impede access to reproductive health services facilities, as defined. Existing law specifies the penalties for a violation of the Act, including imprisonment as a misdemeanor and specified fines.

This bill would increase the penalties for violations of the Act, including making specified violations punishable as either a misdemeanor or as a felony. By increasing the punishment for a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. Section 6218.01 of the Government Code is
2 amended to read:

3 6218.01. (a) (1) A person shall not post on the internet or
4 social media, with the intent that another person imminently use
5 that information to commit a crime involving violence or a threat
6 of violence against a reproductive health care services patient,
7 provider, or assistant, or other individuals residing at the same
8 home address, the personal information or image of a reproductive
9 health care services patient, provider, or assistant, or other
10 individuals residing at the same home address.

11 (2) A violation of this subdivision is a ~~misdemeanor~~ punishable
12 by a fine of up to ten thousand dollars (\$10,000) per violation,
13 imprisonment of either up to one year in a county jail, jail or

1 *pursuant to subdivision (h) of Section 1170 of the Penal Code, or*
2 *by both that fine and imprisonment.*

3 (3) A violation of this subdivision that leads to the bodily injury
4 of a reproductive health care services patient, provider, or assistant,
5 or other individuals residing at the same home address, is a
6 ~~misdemeanor~~ *felony* punishable by a fine of up to fifty thousand
7 dollars (\$50,000), imprisonment in a county jail not exceeding one
8 year, *pursuant to subdivision (h) of Section 1170 of the Penal*
9 *Code, or by both that fine and imprisonment.*

10 (b) Nothing in this section shall preclude prosecution under any
11 other provision of law.

12 SEC. 2. Section 422.6 of the Penal Code is amended to read:

13 422.6. (a) ~~No~~A person, whether or not acting under color of
14 law, shall *not*, by force or threat of force, willfully injure,
15 intimidate, interfere with, oppress, or threaten any other person in
16 the free exercise or enjoyment of ~~any~~ *a* right or privilege secured
17 ~~to him or her~~ by the Constitution or laws of this state or by the
18 Constitution or laws of the United States in whole or in part
19 because of one or more of the actual or perceived characteristics
20 of the victim listed in subdivision (a) of Section 422.55.

21 (b) ~~No~~A person, whether or not acting under color of law, shall
22 *not* knowingly deface, damage, or destroy the real or personal
23 property of any other person for the purpose of intimidating or
24 interfering with the free exercise or enjoyment of ~~any~~ *a* right or
25 privilege secured ~~to the other person~~ by the Constitution or laws
26 of this state or by the Constitution or laws of the United States, in
27 whole or in part because of one or more of the actual or perceived
28 characteristics of the victim listed in subdivision (a) of Section
29 422.55.

30 (c) ~~Any~~A person convicted of violating subdivision (a) or (b)
31 shall be punished *either* by imprisonment in a county jail not to
32 exceed one year, or by a fine not to exceed five thousand dollars
33 (\$5,000), or by both the above imprisonment and fine, ~~and~~ *or*
34 *pursuant to subdivision (h) of Section 1170. In addition to that*
35 *punishment, the court shall order the defendant to perform a*
36 *minimum of community service, not to exceed 400 hours, to be*
37 *performed over a period not to exceed 350 days, during a time*
38 *other than his or her the person's hours of employment or school*
39 *attendance. However, no a person may shall not be convicted of*
40 *violating subdivision (a) based upon speech alone, except upon a*

1 showing that the speech itself threatened violence against a specific
 2 person or group of persons and that the defendant had the apparent
 3 ability to carry out the threat.

4 (d) Conduct that violates this and any other ~~provision of law,~~
 5 including, but not limited to, an offense described in Article 4.5
 6 (commencing with Section 11410) of Chapter 3 of Title 1 of Part
 7 4, may be charged under all applicable provisions. However, an
 8 act or omission punishable in different ways by this section and
 9 ~~other provisions of another law~~ shall not be punished under more
 10 than one ~~provision, law,~~ and the penalty to be imposed shall be
 11 determined as set forth in Section 654.

12 SEC. 3. Section 423.3 of the Penal Code is amended to read:

13 423.3. (a) A first violation of subdivision (c), (d), (g), or (h)
 14 of Section 423.2 is ~~a misdemeanor,~~ punishable by imprisonment
 15 in a county jail for a period of not more than one ~~year,~~ *year or by*
 16 *imprisonment pursuant to subdivision (h) of Section 1170,* or a
 17 fine not to exceed ten thousand dollars (\$10,000), or both that fine
 18 and imprisonment.

19 (b) A second or subsequent violation of subdivision (c), (d),
 20 (g), or (h) of Section 423.2 is ~~a misdemeanor,~~ *felony,* punishable
 21 by imprisonment ~~in a county jail for a period of not more than one~~
 22 ~~year,~~ *pursuant to subdivision (h) of Section 1170,* or a fine not to
 23 exceed twenty-five thousand dollars (\$25,000), or by both that
 24 fine and imprisonment.

25 (c) A first violation of subdivision (e) or (f) of Section 423.2 is
 26 ~~a misdemeanor,~~ *felony,* punishable by imprisonment ~~in a county~~
 27 ~~jail for a period of not more than one year,~~ *pursuant to subdivision*
 28 *(h) of Section 1170,* or a fine not to exceed twenty-five thousand
 29 dollars (\$25,000), or by both that fine and imprisonment.

30 (d) A first violation of subdivision (a) or (b) of Section ~~432.2~~
 31 423.2 is a misdemeanor, punishable by imprisonment in a county
 32 jail for a period of not more than one year, or a fine not to exceed
 33 twenty-five thousand dollars (\$25,000), or by both that fine and
 34 imprisonment.

35 (e) A second or subsequent violation of subdivision (a), (b), (e),
 36 or (f) of Section 423.2 is ~~a misdemeanor,~~ *felony,* punishable by
 37 imprisonment ~~in a county jail for a period of not more than one~~
 38 ~~year,~~ *pursuant to subdivision (h) of Section 1170,* or a fine not to
 39 exceed fifty thousand dollars (\$50,000), or by both that fine and
 40 imprisonment.

1 (f) In imposing fines pursuant to this section, the court shall
2 consider applicable factors in aggravation and mitigation set out
3 in Rules 4.421 and 4.423 of the California Rules of Court, and
4 shall consider a prior violation of the federal Freedom of Access
5 to Clinic Entrances Act of 1994 (18 U.S.C. Sec. 248), or a prior
6 violation of a statute of another jurisdiction that would constitute
7 a violation of Section 423.2 or of the federal Freedom of Access
8 to Clinic Entrances Act of 1994, to be a prior violation of Section
9 423.2.

10 (g) This title establishes concurrent state jurisdiction over
11 conduct that is also prohibited by the federal Freedom of Access
12 to Clinic Entrances Act of 1994 (18 U.S.C. Sec. 248), which
13 provides for misdemeanor penalties for first violations and
14 felony-misdemeanor penalties for second and subsequent
15 violations. State law enforcement agencies and prosecutors shall
16 cooperate with federal authorities in the prevention, apprehension,
17 and prosecution of these crimes, and shall seek federal prosecutions
18 when appropriate.

19 (h) No person shall be convicted under this article for conduct
20 in violation of Section 423.2 that was done on a particular occasion
21 where the identical conduct on that occasion was the basis for a
22 conviction of that person under the federal Freedom of Access to
23 Clinic Entrances Act of 1994 (18 U.S.C. Sec. 248).

24 SEC. 4. No reimbursement is required by this act pursuant to
25 Section 6 of Article XIII B of the California Constitution because
26 the only costs that may be incurred by a local agency or school
27 district will be incurred because this act creates a new crime or
28 infraction, eliminates a crime or infraction, or changes the penalty
29 for a crime or infraction, within the meaning of Section 17556 of
30 the Government Code, or changes the definition of a crime within
31 the meaning of Section 6 of Article XIII B of the California
32 Constitution.

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ASSEMBLY MEMBER

Rebecca Bauer-Kahan

DISTRICT 16

AB 2099 – Protecting Reproductive Health Clinics

Summary

AB 2099 protects patients and providers at reproductive health centers by updating the penalties for harassment and violation of a patient's privacy.

Background and Problem

Individuals who oppose the right to an abortion have always targeted and harassed patients and providers at health centers and abortion clinics across the country. Protesters commonly assemble outside health centers and while some of these protests are peaceful, they can still be harmful and emotionally scarring for both patients and providers. The effects can also cause delays in care.

According to the National Abortion Federation, there's been a significant uptake in extreme anti-choice attacks against abortion clinics since the Supreme Court overturned Roe vs. Wade. Peaceful protests have escalated to violent acts, between 2021 and 2022 there was a 100% increase in arsons at clinics, one instance taking place in Burbank, California¹. During the same time period, death threats and threats of harm against care providers increased by 20%².

Protestors have started using the internet to target providers, patients, and volunteers. There are a variety of websites that list abortion provider information, including where they practice, their photo, and other personal information. Anti-abortion extremists also commonly take photos of providers and patients, and post them online,

calling them out by name and location. While these offenses can be criminal, it can be difficult for local law enforcement to take action against offenders. The threats and online harassment are not only intimidating but also pose serious personal risk.

Particularly, since the release of the Dobbs vs Jackson decision, California has become one of the few places individuals can receive safe and legal abortions in the United States. With the risk of criminal prosecution that many women face in other states, protecting patient's privacy and health care access in California has become even more crucial.

What This Bill Does

AB 2099 updates penalties to better deter funded and organized anti-choice extremists. This includes penalties for filming patients and providers with intent to intimidate.

The bill further increases legal protections for providers and patients commensurate with the risks they face. It pre-empts escalations in extremist violence, and protects the rights of vulnerable individuals seeking basic, necessary healthcare.

Contact

Maren Bick-Maurischat
Assembly Fellow

Maren.Bick-Maurischat@asm.ca.gov
(916)319-2016

¹ <https://prochoice.org/our-work/provider-security/>

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