

# 2019 LEGISLATIVE VICTORIES FOR RACIAL JUSTICE & ACCESS TO JUSTICE

## **SB 36 (HERTZBERG)** **PRETRIAL RELEASE: RISK ASSESSMENT TOOLS**

### **PROBLEM: Racial bias impacts pre-trial release decisions.**

Money bail for a person awaiting trial is unjust and unconstitutional. Most counties use pre-trial risk assessments -- which are privately owned computer systems using data from various sources, to determine whether or not it is safe to release someone prior to trial. These risk assessments, like all computer algorithms based on factors generated by racist systems and economies, are subject to racial bias.

### **SOLUTION: SB 36**

Requires pretrial services agencies that use a pretrial risk assessment tool to validate the tool by January 1, 2021, and on a regular basis thereafter. Also requires the Judicial Council to publish a report with data related to outcomes and potential biases in pretrial release, and to provide a report to the courts and the Legislature containing recommendations to mitigate bias and disparate effect in pretrial decision making.

## **SB 188 (MITCHELL)** **DISCRIMINATION: HAIRSTYLES**

### **PROBLEM: Workplace discrimination based on a person's natural hair.**

Racial bias at work and school still blocks opportunities for many Californians. Every day, people are forced to choose between a job or advancement opportunities and their natural hair style, and children are often removed from classrooms or punished for their natural hair. Still, the courts ruled that this type of hair discrimination was allowed under current law.

### **SOLUTION: SB 188**

The California Fair Employment and Housing Act prohibits discrimination based on specified personal characteristics, including race. This bill, the first of its kind in the United States, provides that the definition of race for these purposes also include traits historically associated with race, including, but not limited to, hair texture and protective hairstyles, and defines protective hairstyles for purposes of these provisions.

## **SB 464 (MITCHELL)** **CALIFORNIA DIGNITY IN PREGNANCY AND CHILD BIRTH ACT**

### **PROBLEM: Black women in California die in childbirth at higher rates than other women.**

Since 2006, the overall maternal mortality rate in California has been cut in half, but for black women, maternal deaths are still three to four times higher than the state average.

### **SOLUTION: SB 464**

Requires implicit bias training for all perinatal providers and improved data collection in order to reduce the maternal mortality disparity between black women and other women in California. Also requires hospitals to inform patients how to file discrimination complaints with the appropriate state agency.