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August 3, 2018

To: Supervisor Sheila Kuehl, Chair
Supervisor Hilda L. Solis
Supervisor Mark Ridley-Thomas
Supervisor Janice Hahn
Supervisor Kathryn Barger

From: Sachi A. Hamai
Chief Executive Officer

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MOTION TO SUPPORT SENATE BILL 1190 (SKINNER) RELATED TO EUGENICS STERILIZATION COMPENSATION PROGRAM (ITEM NO. 9, AGENDA OF AUGUST 7, 2018)

Item No. 9 on the August 7, 2018, agenda is a motion by Supervisors Kuehl and Solis which includes a recommendation that the Board of Supervisors direct the Chief Executive Officer to prepare a five-signature letter to the County's State delegation to express the County's support of SB 1190, which would establish the State Eugenics Sterilization Compensation Program to compensate those who were forcibly sterilized under California's eugenic laws that were in effect from 1909 to 1979.

Approval of this motion is a matter of Board policy determination.

Background

California established its first eugenics law in 1909 when it made it legal for State officials to "asexualize" those with mental illness or other medical conditions, prisoners believed to be exhibiting sexual or moral perversions, and anyone with more than three criminal convictions. This law was subsequently amended twice to focus on the sterilization of those in State mental institutions. There are estimates that approximately 20,000 individuals were forcibly sterilized in State institutions between 1919 and 1952, with women and racial and ethnic minorities disproportionately affected. It is unclear when the practice ended, but California's law was not repealed until 1979.

In 2003, Governor Gray Davis and the State Senate (S. Res. No. 20) issued an apology for the State's eugenics law and its practice of forcible sterilization; however, the State has never provided compensation to any victims. North Carolina and Virginia are the only two states to provide compensation for survivors of its similar forced-sterilization laws; North Carolina approved its program in 2013, and Virginia in 2015.

SB 1190 (Skinner) – Eugenics Sterilization Compensation Program

SB 1190 (Skinner), which as amended on May 25, 2018, would establish the State Eugenics Sterilization Compensation Program to compensate those who were forcibly sterilized at State institutions, including State hospitals and homes, under California's eugenic laws that were in effect from 1909 to 1979. The program would be administered by the California Victim Compensation Board (CalVCB), and the bill requires the board to conduct outreach to locate any qualified recipients and maintain their privacy.

The bill establishes that qualified recipients are individuals who: 1) were sterilized pursuant to the State's eugenics laws; 2) were sterilized while a patient at one of the 12 specified State hospitals or homes, and; 3) are alive as of January 1, 2019. The 12 State hospitals and homes, include Agnews State Hospital, Atascadero State Hospital, Camarillo State Hospital, De Witt State Hospital, Mendocino State Hospital, Modesto State Hospital, Napa State Hospital, Norwalk State Hospital, Pacific Colony, Patton State Hospital, Sonoma State Hospital, and Stockton State Hospital. While the actual number of qualified recipients is unknown, there are some estimates that it may be approximately 800.

SB 1190 states that its provisions would only take effect upon an appropriation to the CalVCB specifically for this program, and the amount of compensation would be based on the appropriated amount and the number of total qualified recipients. Victim applications must be received no later than July 1, 2021.

The County's Department of Health Services (DHS) indicates that it supports this legislation as it would compensate those who were forcibly sterilized under the California eugenics laws through the establishment of the State Eugenics Sterilization Compensation Program and because it would, most importantly, provide an acknowledgement of this injustice. Furthermore, County Counsel reports that there are no legal issues with SB 1190.

SB 1190 is co-sponsored by the California Latinas for Reproductive Justice, and the Disability Rights Education and Defense Fund. It is supported by ACCESS Women's Health Justice; American Civil Liberties Union of California; American Public Health Association; California Immigrant Policy Center; California Nurse-Midwives Association; California Public Defenders Association; Los Angeles Center for Law and Justice; and

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National Association of Social Workers, among others. There is no registered opposition on file for this measure.

SB 1190 passed the Assembly Public Safety Committee on June 26, 2018, by a vote of 7 to 0. The bill is scheduled for a hearing in the Assembly Appropriations Committee on August 8, 2018.

Conclusion

There is no existing Board policy related to the compensation for victims of forced sterilization. Therefore, since SB 1190 would establish a eugenics sterilization victims' compensation program, **approval of this motion is a matter of Board policy determination.**

SAH:JJ:MR
OR:JS:sy

c: Executive Office, Board of Supervisors
County Counsel