

THE ADVOCATE

JUNE 24, 1986

Calif. Att'y Gen. Urges Stronger Penalties for "Gay-Bashing"

A commission appointed by California Attorney General John Van de Kamp has urged enactment of a statewide civil rights bill containing criminal penalties for hate-motivated violence against minorities, including gay people. The recommendation was in a report issued by the Commission on Racial, Ethnic, Religious and Minority Violence.

In releasing the report, Van de Kamp said he would propose legislation with criminal penalties "to deter and punish crimes of hate violence." However, there is virtually no chance that such a bill will be approved in the current legislative session.

Van de Kamp said he would also develop legislation, as the commission proposed, to strengthen existing laws providing for civil relief—such as injunctions, legal fees and damage awards—for victims of hate violence in cases where criminal penalties are inappropriate or unavailable.

In recommendations specifically applying to gays, the commission:

- urged that the California Penal Code, which says that a hate motive based on race, religion or ethnicity should be considered by the courts as an "aggravating factor" in increasing the sentence for a crime, be amended to include bias based on sexual orientation, disability or age as "aggravating factors." If the legislature amended the Penal Code, antigay assailants could face longer jail terms.

- called on the California Department of Education to develop a handbook for teachers and school administrators to "provide information on gay and lesbian lifestyles and counter myths and stereotypes about gays and lesbians." The commission noted that gay activists had testified that most antigay violence is committed by young people and that many young gay people are victimized in schools.

- proposed that the California Commission on Peace Officer

Standards and Training (POST) issue guidelines to bar discrimination against gays in police hiring. It was also recommended that POST require police officers and administrators to take advanced courses in a number of areas, including "working with gays and lesbians."

Thomas F. Coleman, an openly gay Los Angeles attorney who served on the 16-member commission, said that California's gay community will have to mobilize to get state agencies to adopt the recommendations made in the report.

"Van de Kamp can do only so much," Coleman noted. "He has to have the support of the [gay] community."

Kevin Berrill, coordinator of the National Gay and Lesbian Task Force Violence Project, said he believed California was "the only state which is including antigay violence in its examination of crimes motivated by bigotry."

"I think this report is probably the most comprehensive attempt to deal with these types of incidents that I'm aware of," said Berrill. "I'm hoping it will really be a model for other states to follow."

Van de Kamp, 50, has been a strong gay rights supporter. He was elected state attorney general as a Democrat after serving seven years as district attorney of Los Angeles County. With no one yet opposing him for reelection on either the Democratic or Republican lines, he is considered certain to win a second term in November.

Coleman had strong praise for Van de Kamp, asserting that "he has done more on gay rights issues, in my opinion, than any statewide official in the history of this state, other than maybe [former Gov.] Jerry Brown."

—Peter Freiberg