

AMENDED IN SENATE APRIL 10, 2025

AMENDED IN SENATE APRIL 7, 2025

SENATE BILL

No. 518

Introduced by Senator Weber Pierson

(Coauthors: Senators Richardson and Smallwood-Cuevas)

(Coauthors: Assembly Members Bonta, Bryan, Elhawary, Gipson,
Jackson, McKinnor, Ransom, Sharp-Collins, and Wilson)

February 19, 2025

An act to amend Section 15002.5 of, and to add Chapter 4 (commencing with Section 15210) to Part 6 of Division 3 of Title 2 of, the Government Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

SB 518, as amended, Weber Pierson. Descendants of enslaved persons: reparations.

Former law, until July 1, 2023, established the Task Force to Study and Develop Reparation Proposals for African Americans, with a Special Consideration for African Americans Who are Descendants of Persons Enslaved in the United States (Task Force).

Former law required the Task Force, among other things, to identify, compile, and synthesize the relevant corpus of evidentiary documentation of the institution of slavery that existed within the United States and the colonies, as specified, and to recommend the form of compensation that should be awarded, the instrumentalities through which it should be awarded, and who should be eligible for this compensation.

This bill would establish the Bureau for Descendants of American Slavery within the Department of Justice, under the control of the director, who would be appointed by the Attorney General and

confirmed by the Senate. The bill would require the bureau, as part of its duties, to determine how an individual's status as a descendant would be confirmed. The bill would also require proof of an individual's descendant status to be a qualifying criterion for benefits authorized by the state for descendants. To accomplish these goals, the bill would require the bureau to be comprised of a Genealogy Division, a Property Reclamation Division, an Education and Outreach Division, and a Legal Affairs Division. *The bill would, upon appropriation, impose specified duties on the Property Reclamation Division to accept, review, and investigate applications, to determine whether an applicant is a dispossessed owner, and, if so, to determine whether and what type of property or just compensation is warranted, as defined and specified. In this regard, the bill would require a local entity, upon a determination that issuing property or just compensation is warranted, to recommend publicly held properties suitable as compensation and to provide compensation in accordance with the division's determination. By imposing new duties on local entities, this bill would impose a state-mandated local program.*

This bill would include findings and declarations relating to a gift of public funds.

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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

- 1 SECTION 1. Section 15002.5 of the Government Code is
- 2 amended to read:
- 3 15002.5. Except as provided in Chapter 4 (commencing with
- 4 Section 15210), the Attorney General may arrange and classify
- 5 the work of the Department of Justice, and consolidate, abolish,
- 6 or create divisions, bureaus, branches, sections, or units within the
- 7 department. Any statutory or other reference to the Office of the

1 Attorney General, the State Bureau of Criminal Identification and
2 Investigation, the Division of Law Enforcement, or the Bureau of
3 Gambling Control shall be construed to refer to the division,
4 bureau, branch, section, or unit within the department which is
5 performing the functions referred to; and no such function shall
6 be abolished without express statutory authority.

7 SEC. 2. Chapter 4 (commencing with Section 15210) is added
8 to Part 6 of Division 3 of Title 2 of the Government Code, to read:

9
10 CHAPTER 4. BUREAU FOR DESCENDANTS OF AMERICAN SLAVERY

11
12 *Article 1. General*

13
14 15210. (a) It is the intent of the Legislature in establishing the
15 bureau to establish an initial framework and it is the intent of the
16 Legislature that the scope and responsibilities of the bureau may
17 expand as necessary to fulfill its mission and address additional
18 harms as identified.

19 (b) It is the intent of the Legislature that, as the bureau expands
20 its scope in the future, it shall also advise on reparative remedies
21 for the African American community to address the lasting harms
22 of disenfranchisement, segregation, discrimination, exclusion
23 neglect, violence, and the persistent consequences of this legacy.

24 15211. For purposes of this chapter:

25 (a) “Bureau” means the Bureau for Descendants of American
26 Slavery.

27 (b) “Descendants” means descendants of an African American
28 chattel enslaved person in the United States, or descendants of a
29 free Black person living in the United States prior to the end of
30 the 19th century.

31 (c) “Director” means the Director of the Bureau for Descendants
32 of American Slavery.

33 (d) “Racially motivated eminent domain” means when the state,
34 county, city, city and county, district, or other political subdivision
35 of the state acquires private property for public use and does not
36 distribute just compensation to the owner at the time of the
37 acquisition, and the acquisition or the failure to provide just
38 compensation was due, in whole or in part, to the owner’s ethnicity
39 or race.

1 15212. (a) Notwithstanding Section 15002.5, the Bureau for
2 Descendants of American Slavery is hereby established within the
3 Department of Justice. The bureau shall be under the direct control
4 of a director who shall be responsible to the Attorney General.

5 (b) The director shall be appointed by the Attorney General and
6 confirmed by the Senate, and shall perform all duties, exercise all
7 powers, assume and discharge all responsibilities, and carry out
8 and effect all purposes vested by law in the bureau.

9 (c) The salary of the director shall be fixed pursuant to Section
10 12502.

11 (d) The bureau shall establish a mission statement consistent
12 with the recommendations from the former Task Force to Study
13 and Develop Reparation Proposals for African Americans, with a
14 Special Consideration for African Americans Who are Descendants
15 of Persons Enslaved in the United States.

16 15213. As part of its duties, the bureau shall determine how
17 an individual's status as a descendant shall be confirmed. Proof
18 of an individual's descendent status shall be a qualifying criterion
19 for benefits authorized by the state for descendants. To accomplish
20 these goals, the bureau shall include all of the following divisions:

21 (a) A Genealogy Division to do all of the following:

22 (1) Establish a process to certify descendants of American
23 slaves.

24 (2) Create a method for eligible individuals to submit claims
25 and receive compensation or restitution for those particular harms
26 California inflicted upon the claimant or their family.

27 (3) Establish an equitable alternative qualifying criterion for
28 benefits for descendants authorized by the state in cases where an
29 individual's status as a descendant cannot be confirmed or proven.

30 (b) A Property Reclamation Division to do all of the following:

31 (1) Research and document California state properties acquired
32 as a result of racially-motivated eminent domain, including
33 properties that no longer exist due to state highway construction
34 or other development.

35 (2) Create a database of property ownership in the state
36 identifying properties acquired through racially motivated eminent
37 domain or other discriminatory government action.

38 (3) Review and investigate public complaints from people who
39 claim their property was taken without just—~~compensation.~~

1 *compensation, pursuant to Article 2 (commencing with Section*
2 *15215).*

3 (4) Upon appropriation, distribute just compensation for the fair
4 market value, adjusted for property price appreciation, of the
5 property at the time of the ~~taking~~; *taking, pursuant to Article 2*
6 *(commencing with Section 15215).*

7 (5) Address cases where individuals experienced harm due to
8 the policies and practices of state and local agencies.

9 (c) An Education and Outreach Division to develop and
10 implement a public education campaign regarding the cycle of
11 gentrification, displacement, and exclusion; the connection between
12 redlining and gentrification; and the history of discriminatory urban
13 planning in California.

14 (d) A Legal Affairs Division to do all of the following:

15 (1) Provide legal advice, counsel, and services to the bureau
16 and its officials.

17 (2) Ensure that the bureau's programs are administered in
18 accordance with applicable legislative authority.

19 (3) Advise the head of the bureau on legislative, legal, and
20 regulatory initiatives.

21 (4) Serve as an external liaison on legal matters with other state
22 agencies and other entities.

23 (5) Conduct a review of past and current laws, as well as
24 proposed legislation, to determine whether those measures have
25 caused, are causing, or may continue to cause harm. The division
26 shall provide recommendations to mitigate or eliminate any harm
27 identified in its review.

28
29 *Article 2. Property Reclamation Division*
30

31 *15215. (a) The Legislature finds and declares that it is in the*
32 *public interest to compensate victims of racially motivated eminent*
33 *domain, which deprived citizens of just compensation for their*
34 *property due to racially discriminatory motives. The unjust taking*
35 *of land without fair compensation destroyed communities, forced*
36 *many from their historical neighborhoods, deprived those persons*
37 *of the fair value of their property, and, in many cases, prevented*
38 *the accumulation of generational wealth. Providing compensation*
39 *to these victims of racial discrimination will restore the value of*
40 *wrongfully taken property to dispossessed owners and hold*

1 *government entities responsible for those wrongful discriminatory*
2 *acts.*

3 *(b) This article shall govern the procedure by which*
4 *dispossessed owners and their descendants may seek a*
5 *determination that they were the victims of racially motivated*
6 *eminent domain and seek the return of the taken property, other*
7 *property of equal value, or financial compensation.*

8 *15216. For purposes of this article, the following definitions*
9 *apply:*

10 *(a) “Dispossessed owner” means a person who has had property*
11 *taken from them as a result of racially motivated eminent domain*
12 *or a direct descendant of the person whose property was taken.*

13 *(b) “Publicly held property” means property that is owned by*
14 *the state or by the local agency that took possession of the property*
15 *that is the subject of an application submitted pursuant to this*
16 *article.*

17 *15217. Upon appropriation by the Legislature, the Property*
18 *Reclamation Division within the Bureau for Descendants of*
19 *American Slavery shall do all of the following:*

20 *(a) Accept applications from persons who claim they are the*
21 *dispossessed owner.*

22 *(b) (1) Review and investigate applications submitted under*
23 *subdivision (a).*

24 *(2) As part of its review, the division may request submission*
25 *of additional information supporting the application that is*
26 *reasonably necessary to verify the application, determine whether*
27 *the applicant is a dispossessed owner, including determining*
28 *whether the taking was racially motivated. If the division makes*
29 *a request for additional documentation, it shall communicate that*
30 *request to the applicant with a notice of the additional information*
31 *required. The division shall consider any additional information*
32 *provided by the applicant within 30 days of receipt.*

33 *(c) After reviewing all of the relevant materials, determine*
34 *whether the applicant is a dispossessed owner.*

35 *(d) If the division determines that an applicant has established*
36 *that they are a dispossessed owner pursuant to subdivision (c),*
37 *the division shall determine both of the following:*

38 *(1) The present day fair market value of the property that was*
39 *taken as a result of racially motivated eminent domain.*

1 (2) Whether issuing property or just compensation to that
2 dispossessed owner would serve to redress past acts of racial
3 discrimination, prevent future acts of racial discrimination, and
4 benefit the whole of the community and its general welfare.

5 (e) If the division determines that issuing property or just
6 compensation to the dispossessed owner is warranted pursuant to
7 paragraph (2) of subdivision (d), the division shall certify that the
8 dispossessed owner is entitled to one of the following:

9 (1) If the taken property is still in the possession of the public
10 entity that took the property, the return of the taken property.

11 (2) If the taken property is no longer in the possession of the
12 public entity that took the property, the division shall solicit from
13 the state or local entity, as applicable, a list of recommendations
14 of publicly held properties that are suitable as compensation and
15 select a publicly held property as compensation.

16 (3) If the taken property is no longer in the possession of the
17 public entity that took the property and no publicly held property
18 is suitable as compensation, financial compensation equal to the
19 fair market value determined pursuant to paragraph (1) of
20 subdivision (d).

21 (f) If the division determines that an applicant is not a
22 dispossessed owner or that issuing property or just compensation
23 is not warranted, the division shall notify the applicant of its
24 finding. The applicant may appeal the determination within 60
25 days of receiving the notice and provide additional information
26 to support their claim. The division shall consider the appeal and
27 any new information provided and issue a determination on the
28 appeal within 120 days.

29 15218. (a) If the state or local entity that took property by
30 racially motivated eminent domain does not provide compensation
31 in accordance with the division's certification in subdivision (e)
32 of Section 15217, the dispossessed owner may bring a claim for
33 compensation under the Government Claims Act (Division 3.6
34 (commencing with Section 810) of Title 1).

35 (b) A claim brought pursuant to this section shall not be subject
36 to the statute of limitations, whether the action is brought before
37 or after the enactment of this article.

38 15219. (a) This article does not disturb or invalidate the title
39 of any property taken by racially motivated eminent domain except
40 against the state or local jurisdiction as set forth in this article.

1 **(b)** Every finding, decision, determination, or other official act
2 of the bureau is subject to judicial review in accordance with
3 existing law.

4 **SEC. 3.** The Legislature finds and declares that the addition
5 of Chapter 4 (commencing with Section 15210) to Part 6 of
6 Division 3 of Title 2 of the Government Code by this act serves a
7 public purpose and does not constitute a gift of public funds within
8 the meaning of Section 6 of Article XVI of the California
9 Constitution by redressing past acts of racial discrimination,
10 preventing future acts of racial discrimination, and benefitting the
11 whole of the community and its general welfare.

12 **SEC. 4.** If the Commission on State Mandates determines that
13 this act contains costs mandated by the state, reimbursement to
14 local agencies and school districts for those costs shall be made
15 pursuant to Part 7 (commencing with Section 17500) of Division
16 4 of Title 2 of the Government Code.