

AMENDED IN SENATE MAY 23, 2025

AMENDED IN SENATE APRIL 24, 2025

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, would~~ 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. By imposing new duties on local entities, this bill would impose a state-mandated local program.

This bill would authorize the state or local entity that took the property to provide compensation in accordance with the division's determination. ~~The bill would make this authorization on state entities subject to appropriation.~~ If the state or local entity does not provide compensation, the bill would authorize a dispossessed owner to bring a claim for compensation and to assert any legal claim that would have been available to the property owner at the time of the taking.

This bill would make implementation of its provisions contingent upon appropriation by the Legislature, as specified.

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: yes.

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

SECTION 1. Section 15002.5 of the Government Code is amended to read:

15002.5. Except as provided in Chapter 4 (commencing with Section 15210), the Attorney General may arrange and classify the work of the Department of Justice, and consolidate, abolish, or create divisions, bureaus, branches, sections, or units within the department. Any statutory or other reference to the Office of the Attorney General, the State Bureau of Criminal Identification and Investigation, the Division of Law Enforcement, or the Bureau of Gambling Control shall be construed to refer to the division, bureau, branch, section, or unit within the department which is performing the functions referred to; and no such function shall be abolished without express statutory authority.

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

CHAPTER 4. BUREAU FOR DESCENDANTS OF AMERICAN SLAVERY

Article 1. General

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

(b) It is the intent of the Legislature that, as the bureau expands its scope in the future, it shall also advise on reparative remedies to address the lasting harms of disenfranchisement, segregation, discrimination, exclusion neglect, violence, and the persistent consequences of this legacy that impacts both descendants and nondescendants.

(c) *Implementation of this chapter shall be contingent upon appropriation of sufficient funding by the Legislature in the annual Budget Act or other statute for that purpose.*

15211. For purposes of this chapter:

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

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

5 (c) “Director” means the Director of the Bureau for Descendants
6 of American Slavery.

7 (d) “Racially motivated eminent domain” means when the state,
8 county, city, city and county, district, or other political subdivision
9 of the state acquires private property for public use and does not
10 distribute just compensation to the owner at the time of the
11 acquisition, and the acquisition or the failure to provide just
12 compensation was due, in whole or in part, to the owner’s ethnicity
13 or race.

14 15212. (a) Notwithstanding Section 15002.5, the Bureau for
15 Descendants of American Slavery is hereby established within the
16 Department of Justice. The bureau shall be under the direct control
17 of a director who shall be responsible to the Attorney General.

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

22 (c) The salary of the director shall be fixed pursuant to Section
23 12502.

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

29 15213. As part of its duties, the bureau shall determine how
30 an individual’s status as a descendant shall be confirmed. Proof
31 of an individual’s descendent status shall be a qualifying criterion
32 for benefits authorized by the state for descendants. To accomplish
33 these goals, the bureau shall include all of the following divisions:

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

35 (1) Establish a process to certify descendants of American
36 slaves.

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

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

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

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

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

12 (3) Review and investigate public complaints from people who
13 claim their property was taken without just compensation, pursuant
14 to Article 2 (commencing with Section 15215).

15 (4) Address cases where individuals experienced harm due to
16 the policies and practices of state and local agencies.

17 (c) An Education and Outreach Division to develop and
18 implement a public education campaign regarding the cycle of
19 gentrification, displacement, and exclusion; the connection between
20 redlining and gentrification; and the history of discriminatory urban
21 planning in California.

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

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

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

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

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

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

36
37 Article 2. Property Reclamation Division

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39 15215. (a) The Legislature finds and declares that it is in the
40 public interest to compensate victims of racially motivated eminent

1 domain, which deprived citizens of just compensation for their
2 property due to racially discriminatory motives. The unjust taking
3 of land without fair compensation destroyed communities, forced
4 many from their historical neighborhoods, deprived those persons
5 of the fair value of their property, and, in many cases, prevented
6 the accumulation of generational wealth. Providing compensation
7 to these victims of racial discrimination will restore the value of
8 wrongfully taken property to dispossessed owners and hold
9 government entities responsible for those wrongful discriminatory
10 acts.

11 (b) This article shall govern the procedure by which dispossessed
12 owners and their descendants may seek a determination that they
13 were the victims of racially motivated eminent domain and seek
14 the return of the taken property, other property of equal value, or
15 financial compensation.

16 15216. For purposes of this article, the following definitions
17 apply:

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

21 (b) “Publicly held property” means property that is owned by
22 the state or by the local agency that took possession of the property
23 that is the subject of an application submitted pursuant to this
24 article.

25 15217. ~~Upon appropriation by the Legislature, the~~ *The* Property
26 Reclamation Division within the Bureau for Descendants of
27 American Slavery shall do all of the following:

28 (a) Accept applications from persons who claim they are the
29 dispossessed owner.

30 (b) (1) Review and investigate applications submitted under
31 subdivision (a).

32 (2) As part of its review, the division may request submission
33 of additional information supporting the application that is
34 reasonably necessary to verify the application, determine whether
35 the applicant is a dispossessed owner, including determining
36 whether the taking was racially motivated. If the division makes
37 a request for additional documentation, it shall communicate that
38 request to the applicant with a notice of the additional information
39 required. The division shall consider any additional information
40 provided by the applicant within 30 days of receipt.

1 (c) After reviewing all of the relevant materials, determine
2 whether the applicant is a dispossessed owner.

3 (d) If the division determines that an applicant has established
4 that they are a dispossessed owner pursuant to subdivision (c), the
5 division shall determine all of the following:

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

8 (2) The specific state or local public entity that took the property,
9 or its successor.

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

14 (e) If the division determines that issuing property or just
15 compensation to the dispossessed owner is warranted pursuant to
16 paragraph (3) of subdivision (d), the division shall certify that the
17 dispossessed owner is entitled to compensation, as follows:

18 (1) If the taken property is still in the possession of the public
19 entity that took the property, the division shall determine whether
20 the dispossessed owner should be compensated through the return
21 of the taken property or pursuant to paragraph (2) or (3). In making
22 this determination, the division shall consider whether the
23 property's current use or zoning make it impractical to return the
24 property and whether the condition of the property or its
25 surrounding environment would make the return of the property
26 inequitable.

27 (2) If the taken property is no longer in the possession of the
28 public entity that took the property or the division determines that
29 the dispossessed owner should not be compensated through the
30 return of the taken property pursuant to paragraph (1), the division
31 shall solicit from the state or local entity, as applicable, a list of
32 recommendations of publicly held properties that are suitable as
33 compensation and shall determine whether the dispossessed owner
34 should be compensated through the grant of title to one of the
35 recommended publicly held properties or pursuant to paragraph
36 (3).

37 (3) If the division determines that the dispossessed owner should
38 not be compensated through either the return of the taken property
39 or the grant of title to a publicly held property, the division shall
40 certify that the dispossessed owner is entitled to financial

1 compensation equal to the fair market value determined pursuant
2 to paragraph (1) of subdivision (d) less any amount paid for the
3 property at the time of the taking as adjusted for inflation.

4 (f) If the division determines that an applicant is not a
5 dispossessed owner or that issuing property or just compensation
6 is not warranted, the division shall notify the applicant of its
7 finding. The applicant may appeal the determination within 60
8 days of receiving the notice and provide additional information to
9 support their claim. The division shall consider the appeal and any
10 new information provided and issue a determination on the appeal
11 within 120 days.

12 15218. (a) A person who receives a certification from the
13 division pursuant to Section 15217 may present the certification
14 to the specific state or local public entity identified by the division
15 and the state ~~public entity, upon appropriation, or the~~ or local
16 public entity may provide to the person the property or monetary
17 compensation identified in the certification.

18 (b) (1) If the state or local entity that took property by racially
19 motivated eminent domain does not provide compensation in
20 accordance with the division's certification in subdivision (e) of
21 Section 15217, the dispossessed owner may bring a claim for
22 compensation under the Government Claims Act (Division 3.6
23 commencing with Section 810) of Title 1).

24 (2) The person bringing the claim may assert any legal basis
25 for return of the property or compensation that would have been
26 available to the property owner at the time of the taking. The
27 determination of the division shall not be binding upon the court.

28 (c) A claim brought pursuant to this section shall not be subject
29 to the statute of limitations, whether the action is brought before
30 or after the enactment of this article.

31 15219. (a) This article does not disturb or invalidate the title
32 of any property taken by racially motivated eminent domain except
33 against the state or local jurisdiction as set forth in this article.

34 (b) Every finding, decision, determination, or other official act
35 of the bureau is subject to judicial review in accordance with
36 existing law.

37 SEC. 3. The Legislature finds and declares that the addition of
38 Chapter 4 (commencing with Section 15210) to Part 6 of Division
39 3 of Title 2 of the Government Code by this act serves a public
40 purpose and does not constitute a gift of public funds within the

1 meaning of Section 6 of Article XVI of the California Constitution
2 by redressing past acts of racial discrimination, preventing future
3 acts of racial discrimination, and benefitting the whole of the
4 community and its general welfare.

5 SEC. 4. If the Commission on State Mandates determines that
6 this act contains costs mandated by the state, reimbursement to
7 local agencies and school districts for those costs shall be made
8 pursuant to Part 7 (commencing with Section 17500) of Division
9 4 of Title 2 of the Government Code.

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