



AB 1764: Compensation for Survivors of Forced or Involuntary Sterilization Act (Carrillo)

SUMMARY

This bill will establish the Forced Sterilization Compensation Program to compensate survivors of forced sterilization under California's eugenic laws from 1909 to 1979; and survivors of involuntary sterilizations in women's state prisons after 1979. Additionally, markers or plaques will be placed at designated sites, raising awareness of the unjust sterilization of thousands of people.

ISSUE

Motivated by eugenics, the belief that some people are more fit to reproduce than others, California legislators passed a law in 1909 authorizing the involuntary sterilization of people institutionalized in state hospitals. California was the most aggressive sterilizer in the nation, sterilizing 20,000 of 60,000 people nationwide. All people affected were classified as having disabilities or otherwise deemed "unfit" to reproduce. Administrators of the law had broad discretion to decide who was unfit. Research indicates that the majority of sterilizations were done on women, girls, and Latinas, who were 59% more likely to be sterilized than non-Latinas.

Although the state's eugenic law was repealed in 1979, a subsequent state audit revealed an 144 people were sterilized during labor and delivery without proper consent while incarcerated in California women's prisons from 2006 to 2010. The prison sterilizations disproportionately affected people of color and were conducted without required interpreter assistance. Research indicates an additional 100 involuntary prison sterilizations during labor and delivery dating back to the late 1990s, as well as a small number of coerced or involuntary sterilizations performed during other surgeries.

EXISTING LAW / PRECEDENT

Current California law prohibits the sterilization of people incarcerated in county jails and state prison facilities for the purpose of birth control, and offers additional protections to prevent coercion surrounding non-medically necessary sterilizations outside the scope of birth control.

North Carolina (2013) and Virginia (2015) both recently provided compensation for survivors of eugenic sterilization. Although monetary compensation cannot adequately address the harms suffered by sterilization survivors, it is a material acknowledgement of this horrific past that also will deter future eugenic abuses. California must take similar responsibility.

SOLUTION

AB 1764 establishes a program to compensate verified survivors who were sterilized in California state institutions and prisons. In 2020, when the bill would go into effect, there will be an estimated 541 surviving individuals sterilized under eugenics laws and 250 survivors of prison sterilization abuse, 25% of whom are anticipated to come forward. It is of the utmost urgency to provide material redress for the harms done, particularly as a large portion of the population is aging.

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