



CITY COUNCIL

Darryl Moore
Councilmember District 2

CONSENT CALENDAR
May 18, 2010

To: Honorable Mayor and Members of the City Council

From: Councilmember Darryl Moore
Councilmember Jesse Arreguin
Councilmember Kriss Worthington

Subject: Support of AB2199, Repeal of Discriminatory Code

RECOMMENDATION:

Adopt a Resolution in support of AB2199, Repeal of Discriminatory Code, and for the City Clerk to send a letter with a copy of the resolution to Governor Arnold Schwarzenegger, Assemblymembers Nancy Skinner, Sandre Swanson and Bonnie Lowenthal, and Senator Loni Hancock.

BACKGROUND:

In 1950, Governor Earl Warren held a special session on sex crimes. This session came out of a public outcry related to high-profile sex crimes in the state. This First Extraordinary Session included several bills dealing with sex offenders and sexual psychopaths. One of the bills specifically directed the Department of Mental Hygiene (at the time) to conduct scientific research into the causes and cures of sexual deviation and homosexuality and methods for identifying potential sex offenders. California's statute was last amended in 1977 only to conform with the Department of Mental Hygiene's change to the Department of Mental Health. The rest of the language directing the study is still in code.

This code section mischaracterizes and institutes bigotry against the lesbian, gay, bisexual, and transgender community. It wrongly links sexual orientation with child molestation, sexual deviance and calls for research into a cure for homosexuality. In 1973, the American Psychiatric Association (APA) removed homosexuality from the Diagnostic and Statistical Manual of Mental Disorders (DSM).

There have been a number of unfounded concerns regarding the LGBT community and children that Section 8050 of the Welfare and Institutions Code helps perpetuate. These concerns include false claims that same sex parents are not as good as heterosexual parents and that gay men are prone to sexually abuse children. These claims have been repudiated through various research. Studies by the APA indicate that same sex

parents provide supportive home environments for children just like heterosexual parents. In fact, in some cases, same sex parents were found to have superior parenting skills. Additionally, the APA calls it a myth that gay men are more likely to sexually abuse children.

AB 2199 would repeal Section 8050 of the Welfare and Institutions Code thereby repealing an archaic law directing mental health officials to seek a cure for homosexuality.

CURRENT SITUATION AND ITS EFFECTS:

Section 8050 of the Welfare and Institutions Code directs the State Department of Mental Health to conduct "...scientific research into the causes and cures of sexual deviation, including deviations conducive to sex crimes against children, and the causes and cures of homosexuality..."

Though section 8050 of the Welfare and Institutions Code directs studies into finding a cure for homosexuality, this code is no longer enforced or acted upon. Similarly in the past, race restrictions on deeds in California code were removed through legislative action.

FINANCIAL IMPLICATIONS:

None.

CONTACT PERSON:

Councilmember Darryl Moore, District Two	981-7120
Councilmember Jesse Arreguin, District Four	981-7140
Councilmember Kriss Worthington, District Seven	981-7170

Attachments: 1) Resolution
 2) Sample Letter
 3) Copy of AB 2199

RESOLUTION NO. ##,###-N.S.

RESOLUTION SUPPORTING AB2199, REPEAL OF DISCRIMINATORY CODE

WHEREAS, AB 2199 would repeal an archaic law that directs mental health officials to seek a cure for homosexuality, Section 8050 of the Welfare and Institutional Codes; and

WHEREAS, Section 8050 directs the State Department of Mental health to conduct "...scientific research into the causes and cures of sexual deviation, including deviations conducive to sex crimes against children, and the causes and cures of homosexuality..."; and

WHEREAS, this code continues to mischaracterize sexual orientation in the LGBT community as a mental disorder and institutes bigotry against the LGBT community, as well as wrongly linking sexual orientation with child molestation and sexual deviance; and

WHEREAS, in 1973, the American Psychiatric Association (APA) removed homosexuality from the Diagnostic and Statistical Manual of Mental Disorders (DSM); and

WHEREAS, Section 8050 of the Welfare and Institutions Code continues to help perpetuate a number of unfounded concerns regarding the LGBT community and children, including false claims that same-sex parents are not as good as heterosexual parents and that gay men are prone to sexually abuse children, claims that have been repudiated through various studies and actually show that same-sex parents are just as capable of providing supportive home environments for children as their heterosexual counterparts.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley supports AB 2199 in its effort to repeal a discriminatory code that continues to perpetuate harmful misconceptions about the LGBT community.

The Honorable Bonnie Lowenthal
State Capitol, P.O. Box 942849
Sacramento, CA 94249-0054

Re: AB 2199, Repeal of Discriminatory Code – SUPPORT

Dear Assembly Member Lowenthal:

On behalf of the City of Berkeley, I write in support for your bill, AB 2199 – Repeal of Discriminatory Code. This bill would repeal an archaic law directing mental health officials to seek a cure for homosexuality. Section 8050 of the Welfare and Institutions Code directs the State Department of Mental Health to conduct “...scientific research into the causes and cures of sexual deviation, including deviations conducive to sex crimes against children, and the causes and cures of homosexuality...”

This code continues to mischaracterize sexual orientation in the LGBT community as a mental disorder and institutes bigotry against the lesbian, gay, bisexual, and transgender community. It wrongly links sexual orientation with child molestation, sexual deviance and calls for research into a cure for homosexuality. In 1973, the American Psychiatric Association (APA) removed homosexuality from the Diagnostic and Statistical Manual of Mental Disorders (DSM). Prior to that, gays and lesbians were wrongly considered to have a mental disorder by the APA.

Section 8050 of the Welfare and Institutions Code continues to help perpetuate a number of unfounded concerns regarding the LGBT community and children. These concerns include false claims that same sex parents are not as good as heterosexual parents and that gay men are prone to sexually abuse children. These claims have been repudiated through various research. Studies by the APA indicate that same sex parents provide supportive home environments for children just like heterosexual parents. Additionally, the APA calls it a myth that gay men are more likely to sexually abuse children.

The repealing of Section 8050 of the Welfare and Institutions Code is long overdue. We strongly encourage the passage of this legislation. Should you have any questions regarding our position on AB 2199, please contact me at **<Enter Contact Information>**.

Sincerely,

<Enter Your Name and Title>

BILL NUMBER: AB 2199 AMENDED
BILL TEXT

AMENDED IN ASSEMBLY APRIL 14, 2010

INTRODUCED BY Assembly Member Bonnie Lowenthal

FEBRUARY 18, 2010

An act to ~~repeal~~ amend Section 8050
of the Welfare and Institutions Code, relating to mental health.

LEGISLATIVE COUNSEL'S DIGEST

AB 2199, as amended, Bonnie Lowenthal. Sexual deviation: research.

Existing law requires the State Department of Mental Health, acting through the superintendent of the Langley Porter Clinic, to plan, conduct, and cause to be conducted scientific research into the causes and cures of sexual deviation, including deviations conducive to sex crimes against children, and the causes and cures of homosexuality, and into methods of identifying potential sex offenders.

This bill would ~~repeal those provisions~~ , instead, require the department to plan, conduct, and cause to be conducted scientific research into the prevention of sex crimes against children and into methods of identifying those who commit sexual offenses .

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

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 8050 of the Welfare and Institutions Code is amended to read:

8050. The State Department of Mental Health ~~—acting through the superintendent of the Langley Porter Clinic,~~ shall plan, conduct, ~~—and—~~ or cause to be conducted scientific research into the ~~—causes and cures of sexual deviation, including deviations conducive to prevention of sex crimes against children —, and the causes and cures of homosexuality, and into methods of identifying potential sex offenders—~~ and into methods of identifying those who commit sexual offenses .

~~—SECTION 1.— Section 8050 of the Welfare and Institutions Code is repealed.~~

