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2011 ushers in new laws

Outgoing Governor Arnold Schwarzenegger signed several LGBT-related bills this year that are set to take effect January 1.

Among the most significant to the LGBT community is legislation that should make it easier for students to seek mental health help.

Out state Senator Mark Leno (D-San Francisco) authored Senate Bill 543, the Mental Health Services for At-Risk Youth Act. Among other provisions, the act will allow youth ages 12-17 to obtain counseling without parental consent if the attending professional believes the youth is mature enough to participate.

"Especially in light of the tragic suicides in recent weeks, the counseling that will now be afforded young people without parental consent may save lives," Leno said in October, referencing the news of several suicides by young men this year who were reportedly bullied by classmates because they were gay or perceived to be gay.

A statement from bill sponsor Equality California on SB 543 included concern that current parental consent requirements may put LGBT youth at risk of abuse by coming out to their parents prematurely or without support.

One of the bill's co-sponsors was the Gay-Straight Alliance Network.

"This bill is for me, for my friends, for every young person who called 911 at the last minute like I did," Giuliana "G" PeBenito, 16, said in a statement from the organization.

The governor also signed Assembly Bill 2055, the Unemployment Benefits Act. Currently, couples who are engaged to be married are eligible for unemployment benefits if one of them has to leave their job so they can move closer to their future spouse.

The act extends the same rights to couples who plan on entering into a domestic partnership. It especially benefits same-sex couples, who are currently prohibited from legally marrying. Former Assemblyman Hector De La Torre (D-South Gate) authored the legislation.

Among legislation making headlines this year was AB 2199, which calls for the repeal of a section of the California Welfare and Institutions code that instructs the state Department of Mental Health to conduct research into the "causes and cures of homosexuality." That code was originally written in the 1950s. Schwarzenegger signed the bill earlier this year.

Assemblywoman Bonnie Lowenthal (D-Long Beach) authored the bill.

Schwarzenegger also signed AB 2700, the Separation Equity Act. The bill, by Assemblywoman Fiona Ma (D-San Francisco) eliminates legal barriers for same-sex couples who want to dissolve their domestic partnership and civil marriage simultaneously by creating a consolidated form and procedure.

In addition to the EQCA-sponsored legislation, Schwarzenegger also signed SB 1449. The bill, authored by Leno, reclassifies the possession of less than an ounce of marijuana as an infraction, rather than a misdemeanor.
Looking ahead to 2011

Following November's elections, the state Legislature now has seven out lawmakers, which is a record. After lawmakers were sworn in December 6, several have introduced bills in recent weeks. One of the issues on the agenda for 2011 is anti-bullying legislation.

Leno introduced SB 48 on December 13. The legislation, known as the Fair, Accurate, Inclusive, and Respectful Education Act, adds the LGBT community to the existing list of under-represented cultural and ethnic groups already listed in the state's inclusionary education requirements.

In addition, the bill adds sexual orientation to the state's existing anti-discrimination protections that prohibit bias in school activities, instruction and instructional materials. EQCA and the GSA Network are co-sponsors.

On December 6, out Assemblyman Tom Ammiano (D-San Francisco) introduced AB 9. The bill, sponsored by Superintendent of Public Instruction-elect Tom Torlakson and EQCA, would require school employees to intervene when they see bullying and report it to the school principal and notify the parents of both the bully and the victim. It would further encourage school districts to establish anti-bullying policies.

Schwarzenegger, a Republican, vetoed some bills this year that could be introduced again in 2011 and find support from Governor-elect Jerry Brown (D), who will be sworn in Monday, January 3.

Schwarzenegger has twice vetoed Ammiano's AB 633. Known as the LGBT Prisoner Safety bill, it would have amended an existing act to include inmates' safety concerns related to sexual orientation and gender identity on the list of factors for consideration when assessing whether they're at a heightened risk for assault.

Along with EQCA, the Transgender Law Center and the National Center for Lesbian Rights co-sponsored the bill. Ammiano has said he would try to get an LGBT prisoner safety bill signed by

Brown.

Schwarzenegger also vetoed Leno's SB 906. The bill would have ensured religious leaders would not be punished for refusing to marry same-sex couples. The legislation had been designed to protect churches from losing their tax-exempt status for refusing to perform any civil marriage.

Backers of Prop 8, the state's same-sex marriage ban that voters passed in November 2008, had purported that if the measure didn't pass, clergy would be forced to perform same-sex marriages.

After the veto, Leno had indicated he was considering re-introducing the bill.

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