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Attorney General

State of California

DEPARTMENT OF JUSTICE



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August 3, 2018

The Honorable Connie Leyva
California State Capitol, Room 4061
Sacramento, CA 95814

RE: SB 820: Settlement Agreements: Confidentiality – SUPPORT

Dear Senator Leyva:

I am pleased to support Senate Bill 820 (Leyva). SB 820 strengthens and expands existing law by curbing the use of secret settlements as a legal tactic to silence victims of sexual harassment. Non-disclosure agreements or secret settlements, when treated as an unavoidable component of a settlement agreement, rob victims of the right to speak out about their claims, shield harassers from public scrutiny, and allow repeat offenders to continue to harass victims.

SB 820 does not prevent people from mutually agreeing to settle. Rather, it prevents the perpetrator from requiring the victim to remain silent about the facts of the harassment as a condition of settlement. SB 820 also does not require settlements to be made public if victims do not so wish. During settlement negotiation, claimants may request the inclusion of a non-disclosure provision, unless a government agency or public official is a party to the settlement.

The Department of Justice has long since made its settlement agreements public. SB 820 continues this legal evolution to protect the right of victims of sexual harassment to discuss their claims. Victims who choose to share their stories can help prevent future victimization. When non-disclosure clauses are included in settlements of sexual harassment cases, organizations are enabled to protect serial harassers who may then target new victims. SB 820 helps break this cycle.

I support SB 820 and applaud you for your initiative and leadership to protect Californians with this important and timely piece of legislation.

Sincerely,

A handwritten signature in blue ink, appearing to read "Xavier Becerra", written over a blue circular stamp.

XAVIER BECERRA
Attorney General