

The Senate Committee on Judiciary offered the following substitute to HB 1274:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 50 of the Official Code of Georgia Annotated, relating to
2 general provisions relative to state government, so as to provide for the definition of
3 antisemitism; to require state agencies and departments to consider such definition when
4 determining whether an alleged act was motivated by discriminatory antisemitic intent; to
5 provide for limitations and construction; to provide legislative findings; to provide for related
6 matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 The General Assembly finds that:

- 10 (1) Antisemitism, including harassment on the basis of actual or perceived Jewish origin,
11 ancestry, ethnicity, identity, affiliation, or faith, remains a persistent, pervasive, and
12 disturbing problem in contemporary American society;
- 13 (2) Jewish people continue to be a targeted minority in the United States. Data show, for
14 instance, that Jews are consistently the most likely of all religious groups to be victimized
15 by incidents of hate, and that such incidents are increasing at an alarming rate;

16 (3) State officials and institutions have a responsibility to protect citizens from acts of
17 hate and bigotry motivated by discriminatory animus, including antisemitism, and must
18 be given the tools to do so;

19 (4) Valid monitoring, informed analysis and investigation, and effective policy making
20 all require uniform definitions;

21 (5) While there can be no exhaustive definition of antisemitism, as it can take many
22 forms, the International Holocaust Remembrance Alliance (IHRA) Working Definition
23 has been an essential definitional tool used to determine contemporary manifestations of
24 antisemitism and includes useful examples of discriminatory anti-Israel acts that can
25 cross the line into antisemitism;

26 (6) The IHRA definition is used by various agencies of the federal government and by
27 over 30 governments around the world, recommended for use by the European Council
28 and the European Parliament, endorsed by the Secretary-General of the United Nations
29 and the Secretary General of the OAS, included in policy guides prepared by the
30 Organization for Security and Cooperation in Europe, and has been formally adopted by
31 a growing number of nations, cities, universities, sports teams, and civil society
32 organizations; and

33 (7) Use of this definition of antisemitism, although it is not to be taken as an exhaustive
34 definition, will increase the awareness and understanding of the parameters of
35 contemporary anti-Jewish discrimination in certain circumscribed areas.

36 **SECTION 2.**

37 Chapter 1 of Title 50 of the Official Code of Georgia Annotated, relating to general
38 provisions relative to state government, is amended by adding a new Code section to read as
39 follows:

40 "50-1-11.

41 (a) As used in this Code section, the term 'antisemitism' has the same meaning as provided
42 for in the working definition of antisemitism adopted by the International Holocaust
43 Remembrance Alliance (IHRA) on May 26, 2016, and includes the examples of
44 antisemitism set forth therein.

45 (b) All state departments and agencies shall consider antisemitism as evidence of
46 discriminatory intent for any law or policy in this State which prohibits discrimination
47 based on race, color, religion, or national origin or provides for enhanced criminal penalties
48 for criminal offenses when the defendant intentionally selected any victim or group of
49 victims or any property as the object of the offense because of such victim's or group of
50 victims' actual or perceived race, color, religion, or national origin.

51 (c) Nothing in this Code section shall be construed to diminish or infringe upon any right
52 protected under the First Amendment to the United States Constitution or the Georgia
53 Constitution. Nothing in this Code section shall be construed to conflict with local, federal,
54 or state discrimination laws.

55 (d) Nothing in this Code section shall be construed to alter the evidentiary requirements
56 pursuant to which an agency or department makes a determination that conduct, including
57 harassment, amounts to actionable discrimination, or to diminish or infringe upon the rights
58 protected under any other provision of law.

59 (e) Nothing in this Code section shall be construed to impair or otherwise affect the
60 authority granted by law to a department or agency.

61 (f) This Code section is not intended to and does not create any right or benefit,
62 substantive or procedural, enforceable at law or in equity by any party against the state, its
63 departments, agencies, or entities, its officers, employees, or agents, or any other person."

64 **SECTION 3.**

65 All laws and parts of laws in conflict with this Act are repealed.