

The Senate Committee on the Judiciary offered the following substitute to HB 30:

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 require certain agencies to consider
3 the definition of antisemitism provided for in this Act in the enforcement of laws and
4 regulations prohibiting discrimination on the basis of race, color, religion, or national origin;
5 to provide for limitations and construction; to provide for definitions; to provide for
6 nonseverability; to provide for an effective date; to provide for related matters; to repeal
7 conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

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

13 "50-1-12.

14 (a) As used in this Code section, the term:

15 (1) 'Agency' means any agency, authority, department, board, bureau, commission,
16 council, corporation, entity, or instrumentality of state government and all local political
17 subdivisions of this state.

18 (2) 'Definition of antisemitism' has the same meaning as provided for in the working
19 definition of antisemitism and the contemporary examples of antisemitism adopted by the
20 International Holocaust Remembrance Alliance (IHRA) on May 26, 2016, and
21 incorporated by reference in Presidential Executive Order Number 13899, 84 F.R. 68779
22 December 11, 2019.

23 (b) An agency authorized or required to enforce any criminal or noncriminal law or
24 regulation that prohibits discrimination on the basis of race, color, religion, or national
25 origin shall consider the definition of antisemitism in the course of such enforcement.

26 (c) In determining whether to seek the enhanced penalty or penalties authorized by Code
27 Section 17-10-17, the state shall consider the definition of antisemitism for the purpose of
28 determining whether such penalty enhancement is authorized.

29 (d) Nothing in this Code section shall be construed to diminish or infringe upon any right
30 protected under the First Amendment to the United States Constitution or the Georgia
31 Constitution. Nothing in this Code section shall be construed to diminish or infringe upon
32 an individual's right to engage in legally protected conduct or expressive activity pertaining
33 to any matter of United States foreign policy or international affairs. Nothing in this Code
34 section shall be construed to conflict with local, federal, or state discrimination laws.

35 (e) Nothing in this Code section shall be construed to alter the evidentiary requirements
36 pursuant to which an agency makes a determination that conduct, including harassment,
37 amounts to actionable discrimination, or to diminish or infringe upon the rights protected
38 under any other provision of law.

39 (f) Nothing in this Code section shall be construed to impair or otherwise affect the
40 authority granted by law to an agency.

41 (g) This Code section shall not create any right or benefit, substantive or procedural, or
42 any cause of action, enforceable at law or in equity, by any party against the state or any
43 agency."

44 **SECTION 2.**

45 In the event any section, subsection, paragraph, subparagraph, item, sentence, clause, phrase,
46 or word of this Act is declared or adjudged to be invalid or unconstitutional, the remaining
47 portions of this Act shall automatically be repealed upon the entry of such declaration or
48 adjudication and shall not remain of full force and effect after such declaration or
49 adjudication. The General Assembly declares that it would not have enacted the remaining
50 parts of this Act if it had known that such portion of this Act would be declared or adjudged
51 invalid or unconstitutional.

52 **SECTION 3.**

53 This Act shall become effective upon its approval by the Governor or upon its becoming law
54 without such approval.

55 **SECTION 4.**

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