

House Bill 616

By: Representative Evans of the 89<sup>th</sup>

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 state agencies to consider  
3 antisemitism when determining whether an alleged criminal act was motivated by  
4 discriminatory intent; to provide for limitations and construction; to provide legislative  
5 findings and intent; to provide for definitions; to provide for effective dates and applicability;  
6 to provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 (a) 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 hate  
17 and bigotry motivated by discriminatory animus, including antisemitism, and must be given  
18 the tools to do so;

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

21 (5) While there can be no exhaustive definition of antisemitism, as it can take many forms,  
22 the International Holocaust Remembrance Alliance (IHRA) Working Definition has been  
23 an essential definitional tool used to determine contemporary manifestations of  
24 antisemitism and includes useful examples of discriminatory anti-Israel acts that can cross  
25 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 and  
28 the European Parliament, endorsed by the Secretary-General of the United Nations and the  
29 Secretary General of the OAS, included in policy guides prepared by the Organization for  
30 Security and Cooperation in Europe, and has been formally adopted by a growing number  
31 of nations, cities, universities, sports teams, and civil society organizations; and

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

35 (b)(1) The General Assembly further finds that discrimination in various forms is  
36 prohibited under Georgia law, including, but not limited to, the following prohibitions  
37 against discrimination:

38 (A) In lending practices based on sex, race, religion, national origin, or marital status, as  
39 provided in Code Section 7-6-2;

40 (B) In the sale, rental, or financing of dwellings based on race, color, religion, sex,  
41 disability or handicap, familial status, or national origin, as provided in Code Section  
42 8-3-200;

43 (C) In the issuance of certain production licenses based on race or gender, as provided  
 44 in Code Section 16-12-214;

45 (D) In interscholastic athletic activities based on gender, as provided in Code Section  
 46 20-2-316;

47 (E) In employment preference based on disability, as provided in Code Section 34-6A-4;

48 (F) In real estate appraisals based on race, color, religion, sex, disability, familial status,  
 49 or national origin, as provided in Code Section 43-39A-18; and

50 (G) In public employment based on race, color, religion, national origin, sex, disability,  
 51 or age, as provided in Code Section 45-19-21.

52 (2) Georgia law also provides for enhanced penalties against criminal defendants found  
 53 to have intentionally selected any victim or group of victims or any property as the object  
 54 of a criminal offense because of such victim's or group of victims' actual or perceived race,  
 55 color, religion, national origin, sex, sexual orientation, gender, mental disability, or  
 56 physical disability, as provided in Code Section 17-10-17.

57 (c) It is the intent of the General Assembly that this Act should not infringe upon any  
 58 individual's lawful exercise of free speech under federal or state law.

59

## SECTION 2.

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

63 "50-1-12.

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

65 (1) 'Antisemitism' means a certain perception of Jews, which may be expressed as hatred  
 66 toward Jews. Such term includes rhetorical and physical manifestations of antisemitism  
 67 that are directed toward Jewish or non-Jewish individuals and/or their property, toward  
 68 Jewish community institutions and religious facilities, including, but not limited to:

- 69 (A) Calling for, aiding, or justifying the killing or harming of Jews in the name of a  
70 radical ideology or an extremist view of religion;
- 71 (B) Making mendacious, dehumanizing, demonizing, or stereotypical allegations about  
72 Jews as such or the power of Jews as collective, including, but not limited to, the myth  
73 about a world Jewish conspiracy or of Jews controlling the media, economy,  
74 government or other societal institutions;
- 75 (C) Accusing Jews as a people of being responsible for real or imagined wrongdoing  
76 committed by a single Jewish person or group, or even for acts committed by non-Jews;
- 77 (D) Denying the fact, scope, mechanisms such as gas chambers, or intentionality of the  
78 genocide of the Jewish people at the hands of National Socialist Germany and its  
79 supporters and accomplices during World War II – the Holocaust;
- 80 (E) Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the  
81 Holocaust;
- 82 (F) Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities  
83 of Jews worldwide, than to the interests of their own nations;
- 84 (G) Using the symbols and images associated with classic antisemitism, such as claims  
85 of Jews killing Jesus or blood libel, to characterize Israel or Israelis;
- 86 (H) Drawing comparisons of contemporary Israeli policy to that of the Nazis; and
- 87 (I) Holding Jews collectively responsible for actions of the state of Israel.
- 88 (2) 'State agency' means any branch of state government or any agency, authority,  
89 department, board, bureau, commission, council, corporation, entity, or instrumentality  
90 of this state or of a local political subdivision of this state.
- 91 (b) All state agencies shall consider antisemitism as evidence of discriminatory intent for  
92 any criminal law in this state which provides for enhanced criminal penalties for criminal  
93 offenses when the defendant intentionally selected any victim or group of victims or any  
94 property as the object of the offense because of such victim's or group of victims' actual or  
95 perceived race, color, religion, or national origin.

96 (c) Nothing in this Code section shall be construed to diminish or infringe upon any right  
97 protected under the First Amendment to the United States Constitution or the Georgia  
98 Constitution. Nothing in this Code section shall be construed to diminish or infringe upon  
99 an individual's right to engage in legally protected conduct or expressive activity pertaining  
100 to any matter of United States foreign policy or international affairs. Nothing in this Code  
101 section shall be construed to conflict with local, federal, or state discrimination laws.

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

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

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

111 **SECTION 3.**

112 Section 2 of this Act shall become effective on July 1, 2023, and shall apply to all criminal  
113 offenses committed on or after such date. All other sections of this Act shall become  
114 effective upon approval by the Governor or upon becoming law without such approval.

115 **SECTION 4.**

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