

The Senate Committee on Children and Families offered the following substitute to HB 144:

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 act was motivated by discriminatory
4 intent; to provide for limitations and construction; to provide for definitions; to provide for
5 an effective date; to provide for related matters; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

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

12 "50-1-12.

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

14 (1) 'Antisemitism' has the same meaning as provided for in the definition of antisemitism
15 adopted by the International Holocaust Remembrance Alliance (IHRA) on May 26, 2016,
16 as adopted by the federal Executive Order 13899 of December 11, 2019, 84 FR 68779,for

17 purposes of enforcement of Title VI of the federal Civil Rights Act of 1964, 42 U.S.C.
18 Section 2000d.

19 (2) 'State agency' means any branch of state government or any agency, authority,
20 department, board, bureau, commission, council, corporation, entity, or instrumentality
21 of this state or of a local political subdivision of this state.

22 (b) All state agencies shall consider antisemitism as evidence of discriminatory intent for
23 any criminal or noncriminal law or policy in this state which prohibits discrimination based
24 on race, color, religion, or national origin or any criminal law in this state which provides
25 for enhanced criminal penalties for criminal offenses when the defendant intentionally
26 selected any victim or group of victims or any property as the object of the offense because
27 of such victim's or group of victims' actual or perceived race, color, religion, or national
28 origin.

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

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

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

44

SECTION 2.

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

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SECTION 3.

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