

The House Committee on Judiciary offers the following substitute to HB 30:

A BILL TO BE ENTITLED

AN ACT

1 To amend Code Section 16-11-37 of the Official Code of Georgia Annotated, relating to
2 terroristic threats and acts, so as to make certain threatening uses of antisemitic imagery a
3 criminal violation; to amend Chapter 1 of Title 50 of the Official Code of Georgia Annotated,
4 relating to general provisions relative to state government, so as to require state agencies to
5 consider antisemitism when determining whether an alleged act was motivated by
6 discriminatory intent; to provide for limitations and construction; to provide legislative
7 findings and intent; to provide for definitions; to provide for effective dates and applicability;
8 to provide for related matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 (a) The General Assembly finds that:

12 (1) Antisemitism, including harassment on the basis of actual or perceived Jewish origin,
13 ancestry, ethnicity, identity, affiliation, or faith, remains a persistent, pervasive, and
14 disturbing problem in contemporary American society;

15 (2) Jewish people continue to be a targeted minority in the United States. Data show, for
16 instance, that Jews are consistently the most likely of all religious groups to be victimized
17 by incidents of hate, and that such incidents are increasing at an alarming rate;

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

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

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

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

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

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

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

42 (B) In the sale, rental, or financing of dwellings based on race, color, religion, sex,
43 disability or handicap, familial status, or national origin, as provided in Code Section
44 8-3-200;

- 45 (C) In the issuance of certain production licenses based on race or gender, as provided
 46 in Code Section 16-12-214;
- 47 (D) In interscholastic athletic activities based on gender, as provided in Code Section
 48 20-2-316;
- 49 (E) In employment preference based on disability, as provided in Code Section 34-6A-4;
- 50 (F) In real estate appraisals based on race, color, religion, sex, disability, familial status,
 51 or national origin, as provided in Code Section 43-39A-18; and
- 52 (G) In public employment based on race, color, religion, national origin, sex, disability,
 53 or age, as provided in Code Section 45-19-21.
- 54 (2) Georgia law also provides for enhanced penalties against criminal defendants found
 55 to have intentionally selected any victim or group of victims or any property as the object
 56 of a criminal offense because of such victim's or group of victims' actual or perceived race,
 57 color, religion, national origin, sex, sexual orientation, gender, mental disability, or
 58 physical disability, as provided in Code Section 17-10-17.
- 59 (c) It is the intent of the General Assembly that this Act should not infringe upon any
 60 individual's lawful exercise of free speech under federal or state law.

61

SECTION 2.

62 Code Section 16-11-37 of the Official Code of Georgia Annotated, relating to terroristic
 63 threats and acts, is amended by revising subsection (c) as follows:

64 "(c) A person commits the offense of a terroristic act when:

65 (1) He or she uses a burning or flaming cross or other burning or flaming symbol or
 66 flambeau with the intent to terrorize another or another's household;

67 (2) He or she uses in an unlawful manner antisemitic imagery, including, but not limited
 68 to, a swastika, othala rune, or wolfsangel with the intent to terrorize another, another's
 69 household, another's property, or public property ~~While not in the commission of a lawful~~

70 ~~act, he or she shoots at or throws an object at a conveyance which is being operated or~~
71 ~~which is occupied by passengers; or~~

72 (3) He or she releases any hazardous substance or any simulated hazardous substance
73 under the guise of a hazardous substance:

74 (A) For the purpose of terrorizing another;

75 (B) For the purpose of causing the evacuation of a building, place of assembly, or
76 facility of public transportation;

77 (C) For the purpose of otherwise causing serious public inconvenience; or

78 (D) In reckless disregard of the risk of causing the terror, evacuation, or inconvenience
79 described in subparagraph (A), (B), or (C) of this paragraph."

80 **SECTION 3.**

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

84 "50-1-12.

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

86 (1) 'Antisemitism' has the same meaning as provided for in the advisory definition of
87 antisemitism adopted by the International Holocaust Remembrance Alliance (IHRA) on
88 May 26, 2016, including the examples of antisemitism set forth therein which was
89 incorporated in the federal Executive Order 13899 of December 11, 2019, 84 FR 68779,
90 for purposes of enforcement of Title VI of the federal Civil Rights Act of 1964, 42 U.S.C.
91 Section 2000d.

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

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

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

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

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

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

117

SECTION 4.

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

121

SECTION 5.

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