

Senate Bill 375

By: Senators Still of the 48th, Jones of the 10th, Esteves of the 35th and Dixon of the 45th

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 hinduphobia provided for in this Act to apply to laws and regulations  
4 prohibiting discrimination on the basis of race, color, religion, or national origin; to authorize  
5 fact finders in certain criminal cases to consider hinduphobia when determining whether a  
6 defendant intentionally selected any victim or group of victims or any property as the object  
7 of the offense; to provide for limitations and construction; to provide for definitions; to  
8 provide for nonseverability; to provide for an effective date; to provide for related matters;  
9 to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

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

15 "50-1-12.1.

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

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

20 (2) 'Definition of hinduphobia' means a set of antagonistic, destructive, and derogatory  
21 attitudes and behaviors towards Hinduism.

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

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

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

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

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

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

43 **SECTION 2.**

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

51 **SECTION 3.**

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

54 **SECTION 4.**

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