

House Bill 1124

By: Representatives Panitch of the 51st, McDonald III of the 26th, Evans of the 57th, Barrett of the 24th, and Tran of the 80th

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.