

House Bill 30 (AS PASSED HOUSE AND SENATE)

By: Representatives Carson of the 46<sup>th</sup>, Efstoration of the 104<sup>th</sup>, Panitch of the 51<sup>st</sup>, Evans of the 57<sup>th</sup>, Cooper of the 45<sup>th</sup>, and others

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 antisemitism provided for in this Act in the enforcement of laws and  
4 regulations prohibiting discrimination on the basis of race, color, religion, or national origin;  
5 to provide for limitations and construction; to provide for definitions; to provide for  
6 nonseverability; to provide for an effective date; to provide for related matters; to repeal  
7 conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

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

13 "50-1-12.

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

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

18 (2) 'Definition of antisemitism' has the same meaning as provided for in the working  
19 definition of antisemitism and the contemporary examples of antisemitism adopted by the  
20 International Holocaust Remembrance Alliance (IHRA) on May 26, 2016, and  
21 incorporated by reference in Presidential Executive Order Number 13899, 84 F.R. 68779  
22 December 11, 2019.

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

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

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

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

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

44 **SECTION 2.**

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

52 **SECTION 3.**

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

55 **SECTION 4.**

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