

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL DRS35231-MG-90

Short Title: Defining Anti-Semitism in North Carolina. (Public)

Sponsors: Senator Hanig (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT DEFINING ANTI-SEMITISM FOR PURPOSES OF INVESTIGATING AND
3 DETERMINING WHETHER THERE HAS BEEN A VIOLATION OF STATE LAW OR
4 POLICY PROHIBITING DISCRIMINATORY ACTS OR PRACTICES ON THE BASIS
5 OF RACE, ETHNICITY, NATIONAL ORIGIN, OR RELIGIOUS AFFILIATION.

6 The General Assembly of North Carolina enacts:
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8 **PART I. CRIMES INVOLVING ANTI-SEMITIC DISCRIMINATION**

9 **SECTION 1.1.** Chapter 14 of the General Statutes is amended by adding a new
10 Article to read:

11 "Article 62.

12 "Anti-Semitism Defined for Criminal Investigations.

13 "**§ 14-465. Standard for determining anti-Semitic discrimination.**

14 In determining whether a person charged with a crime under this Chapter was motivated to
15 commit the crime by the victim's race, ethnic origin, or religious affiliation, a law enforcement
16 officer, court, or other relevant authority shall take into consideration (i) the working definition
17 of anti-Semitism adopted by the International Holocaust Remembrance Alliance (IHRA) on May
18 26, 2016, and incorporated into federal Executive Order 13899, 84 Federal Register 68779 and
19 (ii) the "Contemporary Examples of Anti-Semitism" identified by the IHRA, to the extent that
20 any examples might be useful as evidence of discriminatory anti-Semitic intent."

21 **SECTION 1.2.** This Part becomes effective December 1, 2023, and applies to
22 offenses committed on or after that date.
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24 **PART II. EMPLOYMENT COMPLAINTS ALLEGING ANTI-SEMITIC**
25 **DISCRIMINATION**

26 **SECTION 2.1.** Article 49A of Chapter 143 of the General Statutes is amended by
27 adding a new section to read:

28 "**§ 143-422.4. Standard for determining anti-Semitic discrimination.**

29 In determining whether a person alleging anti-Semitic bias has been discriminated against by
30 reason of race, ethnic origin, or religious affiliation in violation of this Article, a court or other
31 relevant authority shall take into consideration (i) the working definition of anti-Semitism
32 adopted by the International Holocaust Remembrance Alliance (IHRA) on May 26, 2016, and
33 incorporated into federal Executive Order 13899, 84 Federal Register 68779 and (ii) the
34 "Contemporary Examples of Anti-Semitism" identified by the IHRA, to the extent that any
35 examples might be useful as evidence of discriminatory anti-Semitic intent."

36 **SECTION 2.2.** G.S. 95-151 reads as rewritten:



1 **"§ 95-151. Discrimination.**

2 (a) No employer, employee, or any other person related to the administration of this
3 Article shall be discriminated against in any work, procedure, or employment by reason of sex,
4 race, ethnic origin, or by reason of religious affiliation.

5 (b) In determining whether a person alleging anti-Semitic bias has been discriminated
6 against by reason of race, ethnic origin, or religious affiliation in violation of this section, a court
7 or other relevant authority shall take into consideration (i) the working definition of
8 anti-Semitism adopted by the International Holocaust Remembrance Alliance (IHRA) on May
9 26, 2016, and incorporated into federal Executive Order 13899, 84 Federal Register 68779 and
10 (ii) the "Contemporary Examples of Anti-Semitism" identified by the IHRA, to the extent that
11 any examples might be useful as evidence of discriminatory anti-Semitic intent."

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13 **PART III. EQUAL EMPLOYMENT OPPORTUNITY TRAINING**

14 **SECTION 3.1.** G.S. 126-16.1 reads as rewritten:

15 **"§ 126-16.1. Equal employment opportunity training.**

16 (a) Each State agency, department, and institution and The University of North Carolina
17 shall enroll each newly appointed supervisor or manager within one year of appointment in the
18 Equal Employment Opportunity training offered or approved by the Office of State Human
19 Resources.

20 (b) The training provided pursuant to subsection (a) of this section shall include training
21 on anti-Semitic bias as unlawful discrimination by reason of race, religion, or national origin
22 utilizing (i) the working definition of anti-Semitism adopted by the International Holocaust
23 Remembrance Alliance (IHRA) on May 26, 2016, and incorporated into federal Executive Order
24 13899, 84 Federal Register 68779 and (ii) the "Contemporary Examples of Anti-Semitism"
25 identified by the IHRA, to the extent that any examples might be useful as evidence of
26 discriminatory anti-Semitic intent."

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28 **PART IV. HOUSING COMPLAINTS ALLEGING ANTI-SEMITIC DISCRIMINATION**

29 **SECTION 4.1.** Chapter 41A of the General Statutes is amended by adding a new
30 section to read:

31 **"§ 41A-5.5. Standard for determining anti-Semitic discrimination.**

32 In determining whether a person alleging anti-Semitic bias has been discriminated against by
33 reason of race, religion, or national origin in violation of this Chapter, a court or other relevant
34 authority shall take into consideration (i) the working definition of anti-Semitism adopted by the
35 International Holocaust Remembrance Alliance (IHRA) on May 26, 2016, and incorporated into
36 federal Executive Order 13899, 84 Federal Register 68779 and (ii) the "Contemporary Examples
37 of Anti-Semitism" identified by the IHRA, to the extent that any examples might be useful as
38 evidence of discriminatory anti-Semitic intent."

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40 **PART V. CIVIL RIGHTS VIOLATIONS ALLEGING ANTI-SEMITIC**
41 **DISCRIMINATION**

42 **SECTION 5.1.** G.S. 99D-1 is amended by adding a new subsection to read:

43 "(d) In determining whether a person alleging anti-Semitic bias has been discriminated
44 against by reason of race, religion, or ethnicity in violation of this Chapter, a court or other
45 relevant authority shall take into consideration (i) the working definition of anti-Semitism
46 adopted by the International Holocaust Remembrance Alliance (IHRA) on May 26, 2016, and
47 incorporated into federal Executive Order 13899, 84 Federal Register 68779 and (ii) the
48 "Contemporary Examples of Anti-Semitism" identified by the IHRA, to the extent that any
49 examples might be useful as evidence of discriminatory anti-Semitic intent."

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51 **PART VI. CONSTRUCTION OF ACT**

- 1 **SECTION 6.1.** Nothing in this act shall be construed to do either of the following:
2 (1) Diminish or infringe upon any right protected under the First Amendment of
3 the United States Constitution or Section 14 of Article I of the Constitution of
4 the State of North Carolina.
5 (2) Conflict with federal, State, or local discrimination laws.

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7 **PART VII. SEVERABILITY**

8 **SECTION 7.1.** If any part of this act is declared unconstitutional or invalid by the
9 courts, it does not affect the validity of this act as a whole or any part other than the part declared
10 to be unconstitutional.

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12 **PART VIII. EFFECTIVE DATE**

13 **SECTION 8.1.** Except as otherwise provided, this act becomes effective October 1,
14 2023, and applies to claims arising on and after that date.