**South Carolina General Assembly**

123rd Session, 2019-2020

**H. 5287**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Clemmons, Rutherford, Bernstein, Yow, Simrill, Garvin, McGinnis, Henegan, Taylor, Crawford, Fry, Willis, G.R. Smith, Anderson, Burns, B. Newton, Bailey, Hewitt, Stavrinakis, Ligon, V.S. Moss, Haddon, Morgan, Gilliard, Kirby, Hosey, D.C. Moss, McCravy, Hardee, Brown, W. Newton, Norrell, Stringer, Govan, Mack, Alexander, Allison, Atkinson, Bales, Ballentine, Bannister, Bennett, Blackwell, Bradley, Brawley, Bryant, Calhoon, Caskey, Chellis, Chumley, Clary, Clyburn, Cogswell, Collins, B. Cox, W. Cox, Daning, Davis, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Funderburk, Gagnon, Gilliam, Hart, Hayes, Henderson‑Myers, Herbkersman, Hiott, Hixon, Howard, Huggins, Hyde, Jefferson, Johnson, Jones, Jordan, Kimmons, King, Long, Lowe, Lucas, Mace, Magnuson, Martin, McCoy, McDaniel, Moore, Murphy, Oremus, Parks, Pope, Ridgeway, Rivers, Rose, Sandifer, G.M. Smith, Sottile, Spires, Tallon, Thayer, Toole, Trantham, Weeks, West, Wheeler, White, Whitmire, R. Williams, S. Williams and Wooten

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Introduced in the House on February 25, 2020

Currently residing in the House Committee on **Judiciary**

Summary: Human Affairs Commission

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/25/2020 House Introduced and read first time ([House Journal‑page 16](file:///h:\hj\20200225.docx))

2/25/2020 House Referred to Committee on **Judiciary** ([House Journal‑page 16](file:///h:\hj\20200225.docx))

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**VERSIONS OF THIS BILL**

[2/25/2020](file:///p:\pprever\2019-20\5287_20200225.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1‑13‑83 SO AS TO PROVIDE A DEFINITION OF “ANTI‑SEMITISM” FOR THE STATE HUMAN AFFAIRS COMMISSION TO USE WHILE INVESTIGATING AND WORKING TO RESOLVE COMPLAINTS OF DISCRIMINATION.

Whereas, anti‑Semitism and harassment on the basis of actual or perceived national origin, shared ancestry, or ethnic characteristics with a religious group remains a persistent, pervasive, and disturbing problem in contemporary American society; and

Whereas, the Jewish people continue to be a targeted minority in the United States. Data shows that Jews are among the most likely of all religious groups to be victimized by incidents of hate, and such incidents are increasing at an alarming rate; and

Whereas, state officials and institutions, including educational institutions, have a responsibility to protect citizens from acts of hate and bigotry motivated by a discriminatory animus, including anti‑Semitism, and must be given the tools to do so; and

Whereas, valid monitoring, informed analysis and investigation, and effective policy making all require uniform definitions; and

Whereas, while there is no exhaustive definition of anti‑Semitism, as it can take many forms, the International Holocaust Remembrance Alliance (IHRA) working definition has been an essential tool used to determine contemporary manifestations of anti‑Semitism and includes useful examples of discriminatory anti‑Israel acts that cross the line into anti‑Semitism; and

Whereas, on May 26, 2016, the member states of the IHRA, including the United States, adopted the non‑legally binding working definition of anti‑Semitism as its plenary in Bucharest. This definition is used by various agencies of the federal government and the other thirty‑three governments that are members of the IHRA. The definition has been recommended for use by the European Council and the European Parliament, endorsed by the United Nations Secretary‑General and the Secretary General of the Organization of American States, included in policy guides prepared by the Organization for Security and Cooperation in Europe, and formally adopted by a growing number of European nations; and

Whereas, awareness of this conduct‑based definition of anti‑Semitism, although it is not to be taken as an exclusive definition, will increase understanding of the parameters of contemporary anti‑Jewish crime and discrimination in certain circumscribed areas. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 13, Title 1 of the 1976 Code is amended by adding:

“Section 1‑13‑83. (A) For purposes of this section, the term ‘definition of anti‑Semitism’:

(1) includes the definition of anti‑Semitism adopted on May 26, 2016, by the International Holocaust Remembrance Alliance, which has been adopted by the United States Department of State;

(2) includes contemporary examples of anti‑Semitism identified by the International Holocaust Remembrance Alliance; and

(3) does not include criticism of Israel similar to that leveled against any other country.

(B) Nothing in this section may be construed to:

(1) diminish or infringe upon any rights protected under the First Amendment to the United States Constitution or Section 2, Article 1 of the South Carolina Constitution, 1895; or

(2) conflict with federal or state discrimination laws.

(C) In reviewing, investigating, or deciding whether there has been a specific instance of discrimination that violates a state law prohibiting discrimination or is otherwise subject to the authority of the commission, the State, any of its agencies, or local subdivisions of state agencies, shall take into consideration the definition of anti‑Semitism for purposes of determining whether the instance of discrimination was motivated by anti‑Semitic intent.

(D) A discriminatory act includes any harassing conduct that is so severe, pervasive, or persistent so as to interfere with or limit the ability of the victim to participate in or benefit from any service, activity, opportunity, or privilege.”

SECTION 2. This act takes effect upon approval by the Governor.

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