**South Carolina General Assembly**

125th Session, 2023-2024

**H. 3686**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Bernstein, J.L. Johnson, Henegan, Rutherford, Wetmore, Bauer, Brittain, Rivers, Gilliard, Anderson and W. Jones

Companion/Similar bill(s): 419, 4042

Document Path: LC-0101DG23.docx

Introduced in the House on January 12, 2023

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

Summary: Anti-semitism

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/12/2023 House Introduced and read first time ([House Journal‑page 337](h:\hj\20230112.docx))

1/12/2023 House Referred to Committee on **Judiciary** ([House Journal‑page 337](h:\hj\20230112.docx))

2/16/2023 House Committee report: Favorable with amendment **Judiciary** ([House Journal‑page 5](h:\hj\20230216.docx))

2/21/2023 House Member(s) request name added as sponsor: J.L.
Johnson, Henegan, Rutherford, Wetmore,
Bauer, Brittain, Rivers, Gilliard, Anderson

2/22/2023 House Requests for debate-Rep(s). Magnuson, May, Pace, White, Landing, S Jones ([House Journal‑page 8](h:\hj\20230222.docx))

2/22/2023 House Member(s) request name added as sponsor: W. Jones

2/23/2023 House Recommitted to Committee on **Judiciary** ([House Journal‑page 28](h:\hj\20230223.docx))

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=3686&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[01/12/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3686_20230112.docx)

[02/16/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3686_20230216.docx)

Committee Report

February 16, 2023

H. 3686

Introduced by Rep. Bernstein

S. Printed 02/16/23--H.

Read the first time January 12, 2023

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The committee on House Judiciary

To who was referred a Bill (H. 3686) to amend the South Carolina Code of Laws by adding Section 1-1-1710 so as to provide a framework in which anti-semitism is considered regarding all laws prohibiting, etc., respectfully

Report:

That they have duly and carefully considered the same, and recommend that the same do pass with amendment:

Amend the bill, as and if amended, SECTION 1, page 1, by striking the name of the Article on line 22, and inserting:

Antisemitism

Amend the bill further, SECTION 1, by striking Section 1-1-1710(A) and inserting:

(A) For purposes of this section, the term “definition of antisemitism”:

(1) includes the definition of antisemitism 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 antisemitism identified by the International Holocaust Remembrance Alliance; and

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

Amend the bill further, SECTION 1, by striking Section 1-1-1710(C) and (D) and inserting:

(C) In reviewing, investigating, or deciding whether there has been a violation of any relevant policy, law, or regulation prohibiting discriminatory acts, the State shall take into consideration the definition of antisemitism set forth in law for purposes of determining whether the alleged act was discriminatory. A court or other relevant authority shall apply the same legal standard as applicable to like claims of discrimination arising under the laws of this State protecting civil rights, including Chapter 13 of this title.

(D) For purposes of educating state personnel on issues related to discrimination, diversity, equity, inclusion, and anti-bias training, the definition of antisemitism shall be used and incorporated as an educational tool to familiarize personnel and officials with antisemitism in all of its manifestations.

Renumber sections to conform.

Amend title to conform.

WM. WESTON J. NEWTON for Committee.

statement of estimated fiscal impact

Explanation of Fiscal Impact

State Expenditure

This bill establishes the statutory definition of anti-Semitism to include the definition adopted on May 26, 2016, by the IHRA, contemporary examples of anti-Semitism identified by the IHRA, and does not include criticism of Israel similar to that leveled against any country. The bill states that nothing in the section may be construed to diminish or infringe upon rights protected by the First Amendment to the United States Constitution or conflict with any federal, state, or local discrimination laws.

Department of Administration. Under this bill, the definition of anti-Semitism must be included in state training on issues related to discrimination, diversity, equity, inclusion, and anti-bias training to familiarize state personnel and officials with anti-Semitism in all of its manifestations. Admin indicates that compliance with this provision will be managed with existing resources and will have no expenditure impact on the agency.

Judicial. This bill states that in reviewing, investigating, or deciding whether there has been a violation of any policy, law, or regulation prohibiting discriminatory acts, the State must take into consideration the definition of anti-Semitism for the purposes of determining whether the alleged act was motivated by anti-Semitic intent. Courts or other relevant authorities must apply the same legal standard as applicable to similar claims of discrimination under State laws protecting civil rights. Judicial indicates that this may increase circuit court caseloads, as well as the cost of training for Judicial staff. Judicial indicates that this expenditure increase will be managed within existing appropriations.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

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A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 1-1-1710 SO AS TO PROVIDE A FRAMEWORK IN WHICH ANTI-SEMITISM IS CONSIDERED REGARDING ALL LAWS PROHIBITING DISCRIMINATORY ACTS, AND TO EDUCATE STATE PERSONNEL AND OFFICIALS ON ANTI-SEMITISM.

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

SECTION 1. Chapter 1, Title 1 of the S.C. Code is amended by adding:

Article 27

Anti-Semitism

Section 1-1-1710. (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, state, or local discrimination laws.

(C) In reviewing, investigating, or deciding whether there has been a violation of any relevant policy, law, or regulation prohibiting discriminatory acts, the State shall take into consideration the definition of anti-Semitism set forth in law for purposes of determining whether the alleged act was motivated by discriminatory anti-Semitic intent. A court or other relevant authority shall apply the same legal standard as applicable to like claims of discrimination arising under the laws of this State protecting civil rights, including Chapter 13 of this title.

(D) For purposes of educating state personnel on issues related to discrimination, diversity, equity, inclusion, and anti-bias training, the definition of anti-Semitism must be used and incorporated as an educational tool to familiarize personnel and officials with anti-Semitism in all of its manifestations.

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

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