

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

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SENATE BILL 739

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

Sponsors: Senator Hanig (Primary Sponsor).

Referred to: Rules and Operations of the Senate

April 10, 2023

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

**PART I. CRIMES INVOLVING ANTI-SEMITIC DISCRIMINATION**

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

"Article 62.

"Anti-Semitism Defined for Criminal Investigations.

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

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

**SECTION 1.2.** This Part becomes effective December 1, 2023, and applies to offenses committed on or after that date.

**PART II. EMPLOYMENT COMPLAINTS ALLEGING ANTI-SEMITIC DISCRIMINATION**

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

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

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

**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.