A BILL FOR

1 An Act requiring consideration of anti-Semitism by governmental
2 entities when investigating possible discriminatory acts.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
Section 1. NEW SECTION. 216F.1 Legislative findings.

The general assembly finds and declares the following:

1. 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.

2. Data shows that Jews are among the most likely of all minority groups to be victimized by incidents of hate, and such incidents are increasing at an alarming rate.

3. Campus anti-Semitism is systemic, broad, and deep, with recent studies showing that the number of Jewish students experiencing anti-Semitism on campuses across the United States had spiked sharply.

4. State officials and institutions, including educational institutions, have a responsibility to protect citizens from acts of hate and bigotry motivated by discriminatory animus, including anti-Semitism, and must be given the tools to do so.

5. Valid monitoring, informed analysis and investigation, and effective policymaking all require uniform definitions.

6. While there is no one exclusive definition of anti-Semitism, given the many forms anti-Semitism may take, for the purposes of this chapter, the specifically conduct-based definition of anti-Semitism adopted by the international holocaust remembrance alliance, which consists of over thirty nations, and subsequently used by the United States department of state and the governments of numerous other nations, has been an essential definitional 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.

7. Awareness of this conduct-based definition of anti-Semitism, although it should not be taken as an exclusive definition, will increase understanding of the parameters of contemporary anti-Jewish crime and discrimination in certain
circumscribed areas.

Sec. 2. NEW SECTION. 216F.2 Definitions.

For purposes of this chapter, "anti-Semitism" means the definition of anti-Semitism adopted on May 26, 2016, by the international holocaust remembrance alliance, including the contemporary examples of anti-Semitism accompanying such definition. "Anti-Semitism" does not include criticism of Israel similar to that leveled against any other country.

Sec. 3. NEW SECTION. 216F.3 Determination of discriminatory acts — consideration of anti-Semitism.

In reviewing, investigating, or deciding whether there has been a violation of any law, rule, or policy prohibiting discriminatory acts, a governmental entity shall take into consideration the definition of anti-Semitism set forth in this chapter for purposes of determining whether an alleged act was motivated by discriminatory anti-Semitic intent.

Sec. 4. NEW SECTION. 216F.4 Rules of construction.

This chapter shall not be construed to diminish or infringe upon any right protected under the Constitution of the State of Iowa or the first amendment to the Constitution of the United States. This chapter shall not be construed to conflict with local, state, or federal discrimination laws.

EXPLANATION

The inclusion of this explanation does not constitute agreement with the explanation's substance by the members of the general assembly.

This bill requires a governmental entity reviewing, investigating, or deciding whether there has been a violation of any law, rule, or policy prohibiting discriminatory acts to take into consideration the definition of anti-Semitism set forth in the bill for purposes of determining whether an alleged act was motivated by discriminatory anti-Semitic intent.

The bill defines "anti-Semitism" as the definition of anti-Semitism adopted on May 26, 2016, by the international holocaust remembrance alliance ("IHRA"), including the
contemporary examples of anti-Semitism accompanying such definition. "Anti-Semitism" does not include criticism of Israel similar to that leveled against any other country. The IHRA definition provides: "Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities". The IHRA definition includes contemporary examples of anti-Semitism, including calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion. The bill shall not be construed to diminish or infringe upon any right protected under the Constitution of the State of Iowa or the first amendment to the Constitution of the United States and shall not be construed to conflict with local, state, or federal discrimination laws.