

House File 2504 - Introduced

HOUSE FILE 2504
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 2303)

A BILL FOR

1 An Act requiring consideration of antisemitism by governmental
2 entities when investigating possible discriminatory acts.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 216F.1 **Legislative findings.**

2 The general assembly finds and declares the following:

3 1. Antisemitism, and harassment on the basis of actual
4 or perceived national origin, shared ancestry, or ethnic
5 characteristics with a religious group, remains a persistent,
6 pervasive, and disturbing problem in contemporary American
7 society.

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

11 3. Campus antisemitism is systemic, broad, and deep, with
12 recent studies showing that the number of Jewish students
13 experiencing antisemitism on campuses across the United States
14 had spiked sharply.

15 4. State officials and institutions, including educational
16 institutions, have a responsibility to protect citizens from
17 acts of hate and bigotry motivated by discriminatory animus,
18 including antisemitism, and must be given the tools to do so.

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

21 6. While there is no one exclusive definition of
22 antisemitism, given the many forms antisemitism may take, for
23 the purposes of this chapter, the specifically conduct-based
24 definition of antisemitism adopted by the international
25 holocaust remembrance alliance, which consists of over thirty
26 nations, and subsequently used by the United States department
27 of state and the governments of numerous other nations,
28 has been an essential definitional tool used to determine
29 contemporary manifestations of antisemitism, and includes
30 useful examples of discriminatory anti-Israel acts that cross
31 the line into antisemitism.

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

1 circumscribed areas.

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

3 1. For purposes of this chapter, "antisemitism" means
4 the definition adopted on May 26, 2016, by the international
5 holocaust remembrance alliance:

6 A certain perception of Jews, which may be expressed as
7 hatred toward Jews. Rhetorical and physical manifestations
8 of antisemitism are directed toward Jewish or non-Jewish
9 individuals and/or their property, toward Jewish community
10 institutions and religious facilities.

11 2. "Antisemitism" includes the contemporary examples of
12 antisemitism accompanying such definition. "Antisemitism" does
13 not include criticism of Israel similar to that leveled against
14 any other country.

15 Sec. 3. NEW SECTION. 216F.3 Determination of discriminatory
16 acts — consideration of antisemitism.

17 In reviewing, investigating, or deciding whether there
18 has been a violation of any law, rule, or policy prohibiting
19 discriminatory acts, a governmental entity shall take into
20 consideration the definition of antisemitism set forth in this
21 chapter for purposes of determining whether an alleged act was
22 motivated by discriminatory antisemitic intent.

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

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

29

EXPLANATION

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

32 This bill requires a governmental entity reviewing,
33 investigating, or deciding whether there has been a violation
34 of any law, rule, or policy prohibiting discriminatory acts
35 to take into consideration the definition of antisemitism

1 set forth in the bill for purposes of determining whether an
2 alleged act was motivated by discriminatory antisemitic intent.

3 The bill defines "antisemitism" as the definition adopted
4 on May 26, 2016, by the international holocaust remembrance
5 alliance ("IHRA"), including the contemporary examples of
6 antisemitism accompanying such definition. "Antisemitism"
7 does not include criticism of Israel similar to that leveled
8 against any other country. The IHRA definition provides:
9 "Antisemitism is a certain perception of Jews, which may be
10 expressed as hatred toward Jews. Rhetorical and physical
11 manifestations of antisemitism are directed toward Jewish or
12 non-Jewish individuals and/or their property, toward Jewish
13 community institutions and religious facilities". The IHRA
14 definition includes 11 contemporary examples of antisemitism,
15 including calling for, aiding, or justifying the killing
16 or harming of Jews in the name of a radical ideology or an
17 extremist view of religion.

18 The bill shall not be construed to diminish or infringe upon
19 any right protected under the Constitution of the State of Iowa
20 or the first amendment to the Constitution of the United States
21 and shall not be construed to conflict with local, state, or
22 federal discrimination laws.