

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- THE CIVIL RIGHTS ACT OF  
1990

Introduced By: Senators E Morgan, Rogers, de la Cruz, and DeLuca

Date Introduced: March 07, 2023

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Legislative findings.

2 (1) Anti-Semitism and harassment on the basis of actual or perceived national origin,  
3 shared ancestry, or ethnic characteristics with a religious group remains a persistent, pervasive, and  
4 disturbing problem in contemporary American society.

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

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

11 (4) Valid monitoring, informed analysis and investigation, and effective policy making all  
12 require uniform definitions.

13 (5) While there is no exhaustive definition of anti-Semitism, as it can take many forms, the  
14 International Holocaust Remembrance Alliance's (IHRA) working definition has been an essential  
15 tool used to determine contemporary manifestations of anti-Semitism and includes useful examples  
16 of discriminatory anti-Israel acts that cross the line into anti-Semitism.

17 (6) On May 26, 2016, the member states of the IHRA, including the United States, adopted  
18 the non-legally binding working definition of anti-Semitism at its plenary session in Bucharest.

1 This definition is used by various agencies of the federal government and the other thirty-three (33)  
2 governments that are members of the IHRA. The definition has been recommended for use by the  
3 European Council and the Secretary General of the Organization of American States, included in  
4 policy guides prepared by the Organization for Security and Cooperation in Europe, and formally  
5 adopted by a growing number of European nations.

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

9 SECTION 2. Section 42-112-1 of the General Laws in Chapter 42-112 entitled "The Civil  
10 Rights Act of 1990" is hereby amended to read as follows:

11 **42-112-1. Discrimination prohibited.**

12 (a) All persons within the state, regardless of race, color, religion, sex, disability, age, or  
13 country of ancestral origin, have, except as is otherwise provided or permitted by law, the same  
14 rights to make and enforce contracts, to inherit, purchase, to lease, sell, hold, and convey real and  
15 personal property, to sue, be parties, give evidence, and to the full and equal benefit of all laws and  
16 proceedings for the security of persons and property, and are subject to like punishment, pains,  
17 penalties, taxes, licenses, and exactions of every kind, and to no other.

18 (b) For the purposes of this section, the right to "make and enforce contracts, to inherit,  
19 purchase, to lease, sell, hold, and convey real and personal property" includes the making,  
20 performance, modification and termination of contracts and rights concerning real or personal  
21 property, and the enjoyment of all benefits, terms, and conditions of the contractual and other  
22 relationships.

23 (c) Nothing contained in this chapter shall be construed to affect chapter 14.1 of title 37,  
24 chapter 5.1 of title 28 or any other remedial programs designed to address past societal  
25 discrimination.

26 (d) For the purposes of this section, the terms "sex" and "age" have the same meaning as  
27 those terms are defined in § 28-5-6, the state fair employment practices act. The term "disability"  
28 has the same meaning as that term is defined in § 42-87-1, and the terms, as used regarding persons  
29 with disabilities, "auxiliary aids and services," "readily achievable," "reasonable accommodation,"  
30 "reasonable modification," and "undue hardship" shall have the same meaning as those terms are  
31 defined in § 42-87-1.1.

32 (e) For purposes of this section, the term "definition of anti-Semitism" shall include:

33 (1) The definition of anti-Semitism adopted on May 26, 2016, by the International  
34 Holocaust Remembrance Alliance, which has been adopted by the United States Department of

1 State;

2 (2) Contemporary examples of anti-Semitism identified by the International Holocaust  
3 Remembrance Alliance; and

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

5 (f) Nothing in this section may be construed to:

6 (1) Diminish or infringe upon any rights protected under the First Amendment to the United  
7 States Constitution or Article I of the Rhode Island State Constitution; or

8 (2) Conflict with federal or state discrimination laws.

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

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

17 SECTION 3. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO STATE AFFAIRS AND GOVERNMENT -- THE CIVIL RIGHTS ACT OF  
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- 1           This act would define “anti-Semitism” for the state human affairs commission to use while
- 2   investigating and working to resolve complaints of discrimination and for the commission against
- 3   prejudice and bias to use in defining hate crimes.
- 4           This act would take effect upon passage.

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