

1 **Antidiscrimination Amendments**

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ken Ivory

Senate Sponsor:

3 **LONG TITLE**

4 **General Description:**

5 This bill amends provisions relating to antisemitism.

6 **Highlighted Provisions:**

7 This bill:

- 8 ▶ defines "antisemitism";
- 9 ▶ provides that a person is entitled to equal accommodation in all business establishments
- 10 and places of public accommodation within the state without discrimination on the basis
- 11 of antisemitism; and
- 12 ▶ provides that when making a determination related to a penalty enhancement, a trier of
- 13 fact shall consider whether an action was motivated by antisemitism.

14 **Money Appropriated in this Bill:**

15 None

16 **Other Special Clauses:**

17 None

18 **Utah Code Sections Affected:**

19 AMENDS:

20 **13-7-2**, as last amended by Laws of Utah 2018, Chapter 130

21 **13-7-3**, as last amended by Laws of Utah 2024, Chapter 155

22 **76-3-203.14**, as enacted by Laws of Utah 2019, Chapter 504

24 *Be it enacted by the Legislature of the state of Utah:*

25 Section 1. Section **13-7-2** is amended to read:

26 **13-7-2 . Definitions.**

27 As used in this chapter:

28 (1)(a) "Antisemitism" means the same as the term the International Holocaust

29 Remembrance Alliance defined and adopted on May 26, 2016.

30 (b) "Antisemitism" includes the contemporary examples of antisemitism that the

31 International Holocaust Remembrance Alliance identified on May 26, 2016.

32 [(1)] (2) "Enterprise regulated by the state" means:

- 33 (a) an institution subject to regulation under Title 70C, Utah Consumer Credit Code;
34 (b) a place of business that sells an alcoholic product at retail as provided in Title 32B,
35 Alcoholic Beverage Control Act;
36 (c) an insurer regulated by Title 31A, Insurance Code; and
37 (d) a public utility subject to regulation under Title 54, Public Utilities.

38 [(2)] (3) "Person" includes an individual, partnership, association, organization,
39 corporation, labor union, legal representative, trustee, trustee in bankruptcy, receiver,
40 and other organized groups of persons.

41 [(3)] (4)(a) "Place of public accommodation" includes:

- 42 (i) every place, establishment, or facility of whatever kind, nature, or class that caters
43 or offers services, facilities, or goods to the general public for a fee or charge,
44 except, an establishment that is:
45 (A) located within a building that contains not more than five rooms for rent or
46 hire; and
47 (B) actually occupied by the proprietor of the establishment as the proprietor's
48 residence; and
49 (ii) a place, establishment, or facility that caters or offers services, facilities, or goods
50 to the general public gratuitously if the place, establishment, or facility receives
51 any substantial governmental subsidy or support.
52 (b) "Place of public accommodation" does not include an institution, church, apartment
53 house, club, or place of accommodation that is in nature distinctly private except to
54 the extent that the institution, church, apartment house, club, or place of
55 accommodation is open to the public.

56 [(4)] (5) "Pregnancy" includes pregnancy or a pregnancy-related condition.

57 [(5)] (6) "Pregnancy-related condition" includes breastfeeding, lactation, or a medical
58 condition related to breastfeeding.

59 Section 2. Section **13-7-3** is amended to read:

60 **13-7-3 . Equal right in business establishments, places of public accommodation,**
61 **and enterprises regulated by the state.**

62 (1) All persons within the jurisdiction of this state are free and equal and are entitled to full
63 and equal accommodations, advantages, facilities, privileges, goods and services in all
64 business establishments and in all places of public accommodation, and by all

65 enterprises regulated by the state of every kind whatsoever, without discrimination on
 66 the basis of race, color, sex, pregnancy, religion, ancestry, or national origin, which
 67 includes discrimination on the basis of antisemitism.

- 68 (2) Nothing in this act shall be construed to[-] :
- 69 (a) deny any person the right to regulate the operation of a business establishment or
 70 place of public accommodation or an enterprise regulated by the state in a manner [
 71 ~~which~~] that applies uniformly to all persons without regard to race, color, sex,
 72 pregnancy, religion, ancestry, or national origin; or[-]
- 73 (b) [~~to~~] deny any religious organization the right to regulate the operation and
 74 procedures of [its] the religious organization's establishments.
- 75 (3) Nothing in this act regulates business website accessibility.

76 Section 3. Section **76-3-203.14** is amended to read:

77 **76-3-203.14 . Victim targeting penalty enhancement -- Penalties.**

- 78 (1) As used in this section:
- 79 (a) "Antisemitism" means the same as that term is defined in Section 13-7-2.
- 80 (b) [~~"personal"~~] "Personal attribute" means:
- 81 [~~(a)~~] (i) age;
- 82 [~~(b)~~] (ii) ancestry;
- 83 [~~(c)~~] (iii) disability;
- 84 [~~(d)~~] (iv) ethnicity;
- 85 [~~(e)~~] (v) familial status;
- 86 [~~(f)~~] (vi) gender identity;
- 87 [~~(g)~~] (vii) homelessness;
- 88 [~~(h)~~] (viii) marital status;
- 89 [~~(i)~~] (ix) matriculation;
- 90 [~~(j)~~] (x) national origin;
- 91 [~~(k)~~] (xi) political expression;
- 92 [~~(l)~~] (xii) race;
- 93 [~~(m)~~] (xiii) religion;
- 94 [~~(n)~~] (xiv) sex;
- 95 [~~(o)~~] (xv) sexual orientation;
- 96 [~~(p)~~] (xvi) service in the [~~U.S.~~] United States Armed Forces;
- 97 [~~(q)~~] (xvii) status as an emergency responder, as defined in Section 53-2b-102; or
- 98 [~~(r)~~] (xviii) status as a law enforcement officer, correctional officer, special function

99 officer, or any other peace officer, as defined in Title 53, Chapter 13, Peace
100 Officer Classifications.

101 (2)(a) A defendant is subject to enhanced penalties under Subsection (3) if the defendant
102 intentionally selects:

103 [(a)] (i) the victim of the criminal offense because of the defendant's belief or
104 perception regarding the victim's personal attribute or a personal attribute of
105 another individual or group of individuals with whom the victim has a
106 relationship; or

107 [(b)] (ii) the property damaged or otherwise affected by the criminal offense because
108 of the defendant's belief or perception regarding the property owner's, possessor's,
109 or occupant's personal attribute or a personal attribute of another individual or
110 group of individuals with whom the property owner, possessor, or occupant has a
111 relationship.

112 (b) In making a determination under this Subsection (2), a trier of fact shall consider
113 whether a defendant's belief or perception is motivated by antisemitism.

114 (3)(a) If the trier of fact finds beyond a reasonable doubt that a defendant committed a
115 criminal offense and selected the victim or property damaged or otherwise affected
116 by the criminal offense in the manner described in Subsection (2), the defendant is
117 subject to an enhanced penalty for the criminal offense as follows:

118 (i) a class C misdemeanor is a class B misdemeanor;

119 (ii) a class B misdemeanor is a class A misdemeanor;

120 (iii) a class A misdemeanor is a third degree felony;

121 (iv) a third degree felony is a third degree felony punishable by an indeterminate term
122 of imprisonment for not less than one year nor more than five years; and

123 (v) a second degree felony is a second degree felony punishable by an indeterminate
124 term of imprisonment for not less than two years nor more than 15 years.

125 (b) If the trier of fact finds beyond a reasonable doubt that a defendant committed a
126 criminal offense that is a first degree felony and selected the victim or property
127 damaged or otherwise affected by the criminal offense in the manner described in
128 Subsection (2), the sentencing judge or the Board of Pardons and Parole shall
129 consider the defendant's selection of the victim or property as an aggravating factor.

130 (4) This section does not:

131 (a) apply if:

132 (i) the penalty for the criminal offense is increased or enhanced under another

- 133 provision of state law; or
- 134 (ii) the personal attribute of the victim or property owner, possessor, or occupant is
- 135 an element of a criminal offense under another provision of state law;
- 136 (b) prevent the court from imposing alternative sanctions as the court finds appropriate;
- 137 (c) affect or limit any individual's constitutional right to the lawful expression of free
- 138 speech or other recognized rights secured by the Utah Constitution or the laws of the
- 139 state, or by the United States Constitution or the laws of the United States; or
- 140 (d) create a special or protected class for any purpose other than a criminal penalty
- 141 enhancement under this section.
- 142 (5)(a) If a final decision of a court of competent jurisdiction holds invalid any provision
- 143 of this section or the application of any provision of this section to any person or
- 144 circumstance, the remaining provisions of this section remain effective without the
- 145 invalidated provision or application.
- 146 (b) The provisions of this section are severable.

147 **Section 4. Effective Date.**

148 This bill takes effect on May 7, 2025.