ASSEMBLY, No. 465

STATE OF NEW JERSEY

220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:
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Co-Sponsored by:
Assemblyman Stanley, Assemblywoman Reynolds-Jackson, Assemblymen McKeon and Atkins

SYNOPSIS

Adopts State definition of Islamophobia for certain civil and criminal purposes.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.

(Sponsorship Updated As Of: 10/24/2022)

AN ACT concerning the definition of Islamophobia in the State of New Jersey and supplementing Title 10 of the Revised Statues.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. The Legislature finds and declares that:

a. Islamophobia 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.

b. Data shows that Muslims 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.

c. Data also shows that the State of New Jersey ranked amongst the highest of states in the nation in Islamophobic incidents in 2020.

d. State officials and institutions, including educational institutions, have a responsibility to protect the public from hate and bigotry, and must be given the tools to stem both criminal conduct as well as discriminatory acts motivated by Islamophobia.

e. Valid monitoring, informed analysis and investigating, and effective policymaking all require uniform definitions.

f. Instituting a standard definition of Islamophobia will provide an essential definitional tool to determine manifestations of Islamophobia.

g. In addition to Islamophobia, the terms “intolerance against Muslims,” “anti-Muslim prejudice,” “anti-Muslim hate,” “hatred of Muslims,” “anti-Islamism,” “Muslimophobia,” and “racism towards Muslims” may also be used to define the same characteristics of Islamophobia.

h. Awareness of this definition of Islamophobia will increase understanding of the parameters of anti-Muslim crime, harassment, and discrimination.

2. a. For the purposes of this act:

“Islamophobia” means a type of racism that targets expressions of Muslimness or perceived Muslimness, which may be expressed as hatred toward Muslim persons, including, but not limited to, the following:

(1) hatred or severe disparagement towards Muslim persons or their culture;

(2) hostility and fear of Islam, and as a result, a fear of and aversion to all Muslims or the majority of Muslims;

(3) discrimination, harassment, prejudice, and unequal treatment of Muslim persons or Muslim-majority communities;

(4) exclusion of Muslim persons or Muslim-majority communities from major political and social spheres;

(5) making mendacious, dehumanizing, demonizing, or stereotypical allegations about Muslims, or of Muslims as a collective group, especially but not exclusively, conspiracies about Muslims entry into politics, government, or other societal institutions, the myth of Muslim identity having a unique propensity for terrorism, and claims of a demographic threat posed by Muslims or of a Muslim takeover;

(6) rhetorical, violent, or physical anti-Muslim manifestations directed against Muslim or non-Muslim individuals, or their property, or Muslim community institutions and religious facilities;

(7) shouting, verbal or physical abuse, pushing, spitting, pulling hijabs from Muslim women, and other forms of prejudicial abuses that target Muslims;

(8) calling for, aiding, encouraging, supporting, or justifying the killing, harming, or defaming of anyone, simply for practicing Islam or exhibiting a Muslim identity or heritage;

(9) expressing an outlook or worldview involving an unfounded dread and dislike of Muslims, which results in practices of exclusion and discrimination;

(10) accusing those practicing Islam, or exhibiting a Muslim identity or heritage, whether singularly or collectively, as being wholly responsible for any real or imagined wrongdoing committed by a single Muslim person or group;

(11) accusing Muslim citizens of being more loyal to a transnational Muslim community or to their countries of origin, or to the alleged priorities of Muslims worldwide, than to the interests of the people of New Jersey or the interests of the people of the United States;

(12) accusing those practicing Islam, or exhibiting a Muslim identity or heritage, whether singularly or collectively, as being wholly responsible for any real or imagined wrongdoing committed by any Muslim-majority country; and

(13) accusing those practicing Islam, or exhibiting a Muslim identity or heritage, whether singularly or collectively, as being more loyal to any foreign Muslim-majority country, or the alleged priorities of Muslim persons worldwide, than to the interests of the people of the State of New Jersey, or to the interests of the people of the United States.

The term “Islamopobia” shall not include any criticism of any Muslim-majority country similar to that leveled against any other country.

b. In reviewing, investigating, or deciding whether there has been a violation of any policy, law, or regulation prohibiting discriminatory acts under the civil or criminal laws of this State, a public official or law enforcement officer shall take into consideration the definition of Islamophobia contained in subsection a. of this section for the purposes of determining

whether the alleged act was motivated by Islamophobia and discriminatory anti-Muslim intent.

c. Nothing contained in this act, P.L. , c. (C.) (pending before the Legislature as this bill), shall be construed to diminish or infringe upon any right protected under the First Amendment to the United States Constitution, or paragraph 6 of Article I of the New Jersey State Constitution. Nothing in this act shall be construed to conflict with local, State, or federal anti-discrimination laws or regulations.

3. This act shall take effect immediately.

STATEMENT

This bill adopts the first-ever State definition of Islamophobia in New Jersey and in the nation. Attacks on persons who are Muslim or perceived to be Muslim have grown significantly since September 11, 2001. From 2014 to 2019, there were 10,015 anti-Muslim bias incidents, which included 1,164 anti-Muslim hate crimes. This rise in Islamophobic sentiment is widely acknowledged by the American people, as a 2019 study by Pew found that most American adults (82%) say that Muslims are subject to at least some discrimination in the United States today. According to the FBI, approximately 19% of religion-based incidents from 2015-2019 were against Muslims, who make up only about 1% of the United States population.

Furthermore, the United States Attorney General has commented that since September 11, 2001, the Justice Department has led more than 1,000 investigations into "anti-Muslim hatred" acts and bigoted behavior that have led to more than 45 prosecutions. According to a 2017 Pew Poll, while perceptions of religious groups improved overall in 2017, Muslims rated most negatively of all religious groups, scoring a 48 out of 100. New Jersey ranked among the top 10 states for anti-mosque incidents according to the ACLU, including multiple incidents against Muslim persons and Muslim institutions.

This bill provides a State definition of Islamophobia modeled in part after the All-Party Parliamentary Group (APPG), which is composed of British Parliament Members of both the House of Commons and the House of Lords. Awareness of this definition of Islamophobia will increase understanding of the parameters of contemporary Islamophobia crime and discrimination.

Under the bill, the definition of Islamophobia in the bill would not include any criticism of any Muslim-majority country similar to that leveled against any other country.

The bill provides that in reviewing, investigating, or deciding whether there has been a violation of any policy, law, or regulation

prohibiting discriminatory acts under the civil or criminal laws of this State, a public official or law enforcement officer is required to take into consideration the definition of Islamophobia contained in this bill for the purposes of determining whether the alleged act was motivated by Islamophobia and discriminatory anti-Muslim intent.

Nothing contained in this bill is to be construed to diminish or infringe upon any right protected under the First Amendment to the United States Constitution, or paragraph 6 of Article I of the New Jersey State Constitution, and nothing in this bill is to be construed to conflict with local, State, or federal anti-discrimination laws or regulations.