
Worst Bill that Passed this Session

Hate Crimes Law means Lifestyle determines Penalty for Crime

For more than twenty years, the majority of Georgia legislators refused to provide civil rights protection based on sexual behavior, although such bills and resolutions were introduced, repeatedly, in both House and Senate. Past legislators, who were aware that sexual orientation and gender identity are not biological terms that identify males and females, declined to elevate sexual behavior into the strata of civil rights.

But that changed when H.B. 426 passed the House March 7, 2019. The next day it went into the Senate Judiciary Committee, where it languished until June 23, 2020, when the Senate passed it 47 – 6¹ and the House passed it 127 – 38². When the governor signed it June 26, 2020, it became Act 329. Senate Democrats praised Lt. Governor Duncan for raising it from the dead.

All crimes are hate crimes, as suggested by the language of LC 28 9829S, the Senate Judiciary Committee substitute. But that version was discarded quickly and replaced by the bill's previous text which provides civil rights status for "sexual orientation" and "gender," that, by definition, include behaviors previously deemed illegal in the U.S. and other countries

Identical crimes should require identical punishment. When penalties for identical crimes are unequal, certain victims are deemed more valuable than other victims. Since crimes based on sexual orientation and gender identity now require greater punishment, the new law uses lifestyle to discriminate against biological identity, although *The Constitution of the United States* and the *Constitution of the State of Georgia* mandate equal treatment under the law.

The New Hate Crimes Law

- **H.B. 426** provides enhanced penalties for crimes based on race, color, religion, national origin, sex, sexual orientation, gender, mental disability or physical disability.
- **Misdemeanor** sentences will have at least six months but as much as 12 months added to imprisonment, plus a fine not to exceed \$5,000.
- **Felony** penalties will be enhanced by at least two additional years in prison, plus a fine not to exceed \$5,000.
- **Investigating officers report annual bias crime incidents** (with/without arrest) to the GBI.

ACTION – Thank the senators and representatives who voted NO on H.B. 426 on June 23rd. See footnotes.

¹ **Senate Republicans voting NO on H.B. 426:** Senators Dolezal, 404 656-7127; Ginn, 656-4700; Gooch, 656-9221; Harper, 463-5263; Heath, 656-3943; Burt Jones, 656-0082 **[No Democrat voted against H.B. 426.]**

² **House Republicans voting NO on H.B. 426:** Representatives Barr, 404 656-0298; Barton, 656-0325; Benton, 656-3947; Bonner, 656-0254; Caldwell, 656-0152; Cantrell, 656-0152; Carson, 656-0287; Dunahoo, 656-0152; Ehrhart, 656-0152; Gambill, 656-0254; Gilligan, 656-0325; Gravley, 463-8143; Gullett, 656-0177; Gurtler, 656-0188; Hill, 656-0325; Jasperse, 656-5943; Todd Jones, 656-0213; Knight, 463-2248; LaHood, 656-0177; Lariccia, 651-7734; Mathis, 656-0152; McCall, 656-5099; Momtahan, 656-0177; Colton Moore, 656-0325; Greg Morris, 656-5115; Marc Morris, 656-0298; Pirkle, 656-0188; Pruett, 656-5143; Pullin, 656-0188; Ridley, 656-0325; Scoggins, 656-0325; Setzler, 656-7857; Singleton, 656-0178; Tanner, 656-9210; Tarvin, 463-3793; Turner, 656-0152; Watson, 463-2246; Yearta, 656-0254

Good Bills that Passed

Of the four good bills that passed, one upholds parental rights.

One will help consumers shop for the least expensive non-emergency health care.

Another allows State government and local government and their employees to be sued.

The other asks Congress to repeal time zone changes.

S.B. 104 Non-Resuscitation of Minor introduced by Senator Chuck Payne *requires parental consent* before a not-to-resuscitate order is issued for minors or certain adult children.

S.B. 303 Georgia Right to Comparison-Shop for Medical Services introduced by Senator Ben Watson requires insurance companies to post online data to enable consumers to compare prices of non-emergency hospital rates and determine the relative total cost of care.

H.R. 1023* People may File Suit Against State and Local Government by Representative Andrew Welch is a constitutional amendment to allow State and local governments, officers, or employees to be sued for violating Georgia laws or the Constitution of the State of Georgia.

H.R. 1240 Switch to Permanent Daylight Saving Time introduced by Representative Wes Cantrell urges Congress to repeal time zone uniformity. It is a request, not a law.

*H.R. 1023 puts the following question on the November General Election Ballot:

“Shall the Constitution of Georgia be amended to waive sovereign immunity and allow the people of Georgia to petition the superior court for relief from governmental acts done outside the scope of lawful authority or which violate the laws of this state, the Constitution of Georgia, or the Constitution of the U.S.?”

Good Bills that Died

Good bills that died represent cultural improvements needed in Georgia.

The following list reflects problems that could have been solved if the bills had passed.

H.B. 53 Student and Educator Faith Protection Act by Kasey Carpenter would have assured students and teachers freedom of religious speech, prayer, gathering, etc. in public schools.

H.B. 915 Georgia Anti-Sanctuary Act by Representative Philip Singleton would have required all public sanctuary policies in Georgia to be repealed on or before September 1, 2020.

H.B. 954 Porch Piracy introduced by Representative Bonnie Rich creates a felony for unlawful taking of mail, bags, sealed packages, etc. from the porch, steps, or exit of a dwelling.

H.B. 995 Forming Open and Robust University Minds (FORUM) Act introduced by Representative Josh Bonner prohibits the restriction of free speech on campus common areas.

H.B. 1041 Make School Libraries Obscenity Free by Representative Karen Mathiak prohibits the dissemination of obscenity to minors in K – 12 school libraries.

H.B. 1060 Vulnerable Child Protection Act was introduced by Representative Ginny Ehrhart to prohibit health care professionals from providing services (medication, treatment or surgical procedures) inconsistent with the biological fact that the child is female or male.

S.B. 298 Raise Smoking and Vaping Age to 21, by Senator Renee Unterman, authorizes age-specific penalties for such businesses and prohibits packaging related products to entice minors.

S.B. 368 Protect Religious and Moral Convictions of Child-Placing Agencies by Senator Marty Harbin would prohibit discrimination against agencies guided by religious doctrine.

S.R. 818 Only Citizens of the U.S. have a Right to Vote in Georgia by Representative Greg Dolezal is a constitutional amendment clarifying that only U.S. citizens are eligible to vote.

Bad Bills that Died

Read the titles and consider the damage each bill could/would have caused.

Since bad bills indicate how supporting legislators want to damage culture, please use this information to elect more acceptable candidates in November.

H.B. 580 Prohibit Conversion Therapy by Representative Matthew Wilson would have prohibited professional counseling against LGBTQ lifestyles for anyone under age 18.

H.B. 719 Modernization of HIV Laws introduced by Representative Deborah Silcox would have deleted critically important AIDS law and drastically weakened remaining AIDS laws.

H.B. 745 Enforce Implicit Bias Program by Representative “Able” Mable Thomas requires obstetricians and gynecologists to attend training to politically correct their personal values.

H.B. 892 Revise Model Policy Regarding Bullying by Representative Beth Moore could add to unconstitutional restrictions on students’ free speech, free expression and right to disagree.

H.B. 916 Repeal Death Penalty by Representative Sharon Beasley-Teague would prohibit capital punishment. Sentences for death row inmates would be commuted to life in prison.

H.B. 960 Redefine Term for Illegal Aliens by Representative Shelly Hutchinson deletes from state law the words “illegal alien” and inserts “undocumented person” to obfuscate reality.

H.B. 997 In-State Tuition for Illegals by Representative Kasey Carpenter gives in-state tuition if illegal has GED, has lived in GA four years, entered the U.S. by age 12 or enrolls by age 30.

H.R. 876 Take Cannabis off Controlled Drug List by Representative Dar’shun Kendrick would end control of cannabis so marijuana business can use “full spectrum” banking services.

S.B. 102 Unlock the Promise Community Schools by Senator Emanuel Jones requires global health ethics, morals, values to replace U.S. ethics, morals, values in school classes/curricula.

S.B. 281 Georgia Firearms and Weapons Act by Senator Donzella James prohibits automatic and semi-automatic weapons and requires National Criminal Background Checks at gun shows.

S.B. 291 Georgia Death with Dignity Act by Senators Steve Henson and Nan Orrock creates physician-assisted-suicide end-of-life options for certain terminally ill people age 18 or older.

S.B. 403 Lottery Game of Sports Wagering by Senator Burt Jones authorizes gambling on sports and e-sports, college sports, Olympic sports or athletic events, but excludes horse racing.

S.B. 409 Permanent Absentee Voter List by Senator Elena Parent authorizes voters to choose to be on a permanent absentee ballot list or continue requesting a ballot before each election.

S.B. 434 Waste Management; Plastic Bags and Disposable Polystyrene Items by Senator Sally Harrell would prohibit use of plastic “single-use carryout bags.” Agriculture Department and county boards of health would enforce compliance by fining violators \$50 to \$500.

S.R. 237 Article V Constitutional Convention¹ by Senator Bill Cowsert (held over from 2019) asks Congress for a constitutional convention that could re-write or discard the Constitution.

S.R. 821 Sports Betting in Georgia introduced by Senator Burt Jones proposes to amend the *Constitution of the State of Georgia* to authorize sports betting in Georgia.

S.R. 854 Article V Constitutional Convention¹ by Senator Bill Cowsert (his 2020 bill) applies to Congress for a convention of the states under Article V of *The Constitution of the U.S.*

¹ NOTE: Misguided Republican legislators are introducing bills promoting/supporting/urging powerful self-governing Article V conventions that, once convened, cannot be regulated by law, majority opinion, government agencies or officials.

June 8, 2020: U.S. Supreme Court Upholds Religious Rights

1. *Our Lady of Guadalupe School v. Morrissey-Berru* and *St. James School v. Biel*

The Supreme Court of the United States (SCOTUS) combined two cases – *Our Lady of Guadalupe School v. Morrissey-Berru* and *St. James School v. Biel* – to focus on the heart of both cases, the definition of “minister” as applied to employees of religious institutions.

Alliance Defending Freedom (ADF) described the case this way: “Two Catholic schools in California were sued after choosing not to renew the contracts of teachers, both of whom had many religious duties. The schools claim they have the constitutionally protected freedom to determine who can teach the faith at their institutions.”

In his brief explanation of the decision, ADF Senior Counsel and Vice President of Appellate Advocacy John Bursch explained the victory for religious freedom with this, “[T]he court has respected the autonomy of faith-based schools and prevented the government from interfering with the internal operations and autonomy of religious organizations. In other words, the court has ruled in accordance with one of the primary purposes of the First Amendment.”

Justice Samuel Alito’s 7¹ – 2 majority opinion was joined by concurring opinions of Justices Clarence Thomas and Neil Gorsuch. Justice Thomas indicated that he would have ruled further that courts should defer when a religious organization labels an employee a minister.

Dissenting Justices: Justice Ruth Bader Ginsburg joined the dissenting opinion of Justice Sonia Sotomayor who stated that the majority decision’s “simplistic approach has no basis in law and strips thousands of schoolteachers² of their legal protection.”

2. *Little Sisters of the Poor Saints Peter and Paul Home v. Commonwealth of Pennsylvania* and *Trump v. Commonwealth of Pennsylvania*

The 7³ – 2 SCOTUS decision overturned Obama’s HHS mandate to heavily fine employers that did not provide abortion-inducing drugs, sterilization, and contraception to employees.

Sara Kramer posted July 8th: “Today the Supreme Court upheld U.S. Department of Health and Human Services rules that protect the conscience rights of religious and pro-life organizations. This is great news! The Supreme Court made it clear that the government has no business forcing organizations such as Little Sisters of the Poor, a group of Catholic religious sisters, or March for Life to cover abortion-inducing drugs and devices in their health insurance plans.”

Writing for the majority, Justice Clarence Thomas said the Trump administration “had the authority to provide exemptions from regulatory contraceptive requirements for employers with religious and conscientious objections.... [T]he ... statute clearly allows the Departments to create the preventive care standards as well as the religious and moral exemptions.”

¹ That 7 – 2 vote: Justice Samuel Alito, majority opinion author, was joined by Chief Justice John Roberts, Justices Clarence Thomas, Neil Gorsuch, and Brett Kavanaugh. Justice Stephen Breyer voting with the majority joined with Justice Elena Kagan, also voting with the majority, but wrote her explanation separately. Justices Ruth Bader Ginsburg and Sonia Sotomayor dissented.

² Does she refer to religious institutions that, currently, can’t fire anyone that erroneously teaches religious doctrine?

³ That 7 – 2 vote: Justice Clarence Thomas, majority opinion author, joined by Chief Justice John Roberts, Justices Samuel Alito, Neil Gorsuch, Brett Kavanaugh. Justice Stephen Breyer concurred separately with Justice Elena Kagan. Justices Ruth Bader Ginsburg and Sonia Sotomayor dissented.