

**SENATE, No. 2368**

**STATE OF NEW JERSEY**  
**220th LEGISLATURE**

INTRODUCED MARCH 24, 2022

**Sponsored by:**

**Senator ANDREW ZWICKER**

**District 16 (Hunterdon, Mercer, Middlesex and Somerset)**

**Senator GORDON M. JOHNSON**

**District 37 (Bergen)**

**Co-Sponsored by:**

**Senators Pou, Lagana and Stack**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/16/2022)**

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

3

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

6

7 1. The Legislature finds and declares that:

8 a. Islamophobia and harassment on the basis of actual or  
9 perceived national origin, shared ancestry, or ethnic characteristics  
10 with a religious group, remains a persistent, pervasive, and  
11 disturbing problem in contemporary American society.

12 b. Data shows that Muslims are among the most likely of all  
13 minority groups to be victimized by incidents of hate, and such  
14 incidents are increasing at an alarming rate.

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

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

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

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

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

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

35

36 2. a. For the purposes of this act:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10

11 3. This act shall take effect immediately.

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#### STATEMENT

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

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

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

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

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

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

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