

Senate Bill 341

By: Senators Tillery of the 19th, Dolezal of the 27th, Hatchett of the 50th, Bearden of the 30th, Moore of the 53rd and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 15 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated,
2 relating to deceptive or unfair practices, so as to protect the exercise of constitutional rights;
3 to prohibit discrimination in the provision of essential services; to provide for public and
4 private enforcement; to provide for definitions; to provide a short title; to provide legislative
5 findings and declarations; to provide for related matters; to repeal conflicting laws; and for
6 other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 This Act shall be known and may be cited as the "Freedom of Speech and Belief Act."

10 **SECTION 2.**

11 The General Assembly finds and declares that:

12 (1) The freedoms enshrined in the Bill of Rights are fundamental to our nation;

13 (2) Among such rights is the freedom of association, which businesses and citizens of
14 this state may ordinarily exercise in choosing to engage or not to engage in business with
15 others;

16 (3) However, when the exercise of this freedom of association by businesses that provide
17 essential goods and services would threaten the ability of citizens of this state to freely
18 exercise their own constitutional rights, it is imperative that the General Assembly act to
19 ensure that the spirit and intent of the Bill of Rights is respected and that the freedoms
20 protected therein are preserved for the citizens of this state;

21 (4) The ability to obtain financial and utility services is essential to the citizens of this
22 state and to modern day life;

23 (5) Today, citizens of this state are at risk of being deprived the ability to obtain financial
24 and utility services due to such citizens' lawful exercise of their constitutional rights;

25 (6) Depriving citizens of this state financial and utility services would put such citizens
26 at an extreme disadvantage in carrying out the duties of daily life and would deprive such
27 citizens of the enjoyment of life, liberty, and the pursuit of happiness; and

28 (7) It is, therefore, incumbent on the General Assembly to preserve the ability of the
29 citizens of this state to obtain financial and utility services by prohibiting financial
30 institutions and utility service providers from depriving such citizens the provision of
31 such services based on such citizens' lawful exercise of their constitutional rights.

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SECTION 3.

33 The General Assembly further finds and declares that:

34 (1) Legislation containing similar provisions of this Act was introduced in the Senate
35 during the 2025 regular session of the General Assembly, which was assigned Senate
36 Bill 57 as its bill number;

37 (2) On March 6, 2025, such legislation failed to achieve the requisite votes to pass the
38 Senate due, in part, to concerns that instances of discrimination by financial institutions
39 and other essential service providers are rare and that passage of such legislation could
40 result in frivolous litigation;

41 (3) On March, 7, 2025, organizations affiliated with President Donald J. Trump filed suit
42 against Capitol One, N.A. alleging that Capitol One debanked such organizations by
43 terminating hundreds of accounts such organizations held with Capitol One without
44 warning and due to such organization's political affiliations, causing significant business
45 interruptions and considerable financial harm;

46 (4) On or about March 10, 2025, JPMorgan Chase, in response to credible allegations
47 that the company has engaged in debanking practices against its customers, updated its
48 code of conduct to protect its customers against future instances of political and religious
49 discrimination; and

50 (5) Such recent events, together with other instances of discrimination by financial
51 institutions, further demonstrate that the citizens of this state are at risk of being denied
52 essential services based on their constitutionally protected affiliations and activities and
53 that legislation is needed to protect the citizens of this state against such forms of
54 discrimination.

55

SECTION 4.

56 Article 15 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to
57 deceptive or unfair practices, is amended in Code Section 10-1-397, relating to cease and
58 desist orders, civil penalties, judicial relief, and receivers, by adding a new subsection to read
59 as follows:

60 "(g)(1) In any action brought pursuant to paragraph (2) of subsection (b) of this Code
61 section for a violation of Part 10 of this article, the court may, notwithstanding
62 subparagraph (B) of said paragraph, impose a civil penalty of up to \$10,000.00 for the
63 first violation, up to \$50,000.00 for a second violation, and up to \$250,000.00 for a third
64 or subsequent violation and any such action may be brought without providing the notice
65 required under subsection (c) of this Code section.

66 (2) If, after investigating a potential violation of Part 10 of this article, the Attorney
 67 General elects to not issue an order under paragraph (1) of subsection (b) of this Code
 68 section or bring an action pursuant to paragraph (2) of said subsection, the Attorney
 69 General shall prepare a report providing the reasons for not issuing such order or bringing
 70 such action and shall publish such report on the Department of Law's public website.
 71 (3) Whenever the Attorney General has reason to believe that any financial institution
 72 is violating or has violated Part 10 of this article, the Attorney General shall, in addition
 73 to taking other actions required or authorized under this part, refer such financial
 74 institution to the Department of Banking and Finance for investigation of any potential
 75 violations of Title 7 or the rules and regulations of the department arising from such
 76 violation of Part 10 of this article."

77 **SECTION 5.**

78 Said article is further amended by adding a new part to read as follows:

79 "Part 10

80 10-1-439.20.

81 As used in this part, the term:

- 82 (1) 'Discriminate in the provision of essential services' means, directly or indirectly,
 83 restricting or terminating the provision of essential services to a person based on such
 84 person's social credit score or such person's exercise of any constitutional right protected
 85 by the first ten amendments to the United States Constitution, including, without
 86 limitation, such person's speech, association, religious exercise, or ownership of firearms.
 87 (2) 'Essential services' means financial services or utility services.
 88 (3) 'Essential services provider' means a financial institution or a utility services
 89 provider.

90 (4) 'Established business relationship' means an open account or other existing agreement
91 for the provision of essential services.

92 (5) 'Financial institution' means:

93 (A) A bank or credit union that has more than \$2 billion in assets and any affiliate or
94 subsidiary of such a bank or credit union; or

95 (B) A payment processor, credit card company, credit card network, payment network,
96 payment service provider, or payment gateway that has processed more than \$2 billion
97 in transactions in the most recent calendar year and any affiliate or subsidiary of such
98 an entity.

99 (6) 'Financial services' means any financial product or service offered by a financial
100 institution.

101 (7) 'Person' means any individual, partnership, association, joint stock company, trust,
102 corporation, nonprofit organization, or other business or legal entity.

103 (8) 'Social credit score' means a score or rating determined by an analysis or evaluation
104 of one or more the following:

105 (A) A person's exercise of any constitutional right protected by the first ten
106 amendments to the United States Constitution, including, without limitation, a person's
107 speech, association, religious exercise, or ownership of firearms;

108 (B) A person's failure or refusal to adopt any policy or make any disclosure relating to
109 emissions of greenhouse gases, as defined in Code Section 12-6-221, beyond what is
110 required by applicable state or federal law;

111 (C) A person's failure or refusal to conduct any type of racial, diversity, or gender audit
112 or disclosure or to implement any quota or give any preference or benefit based in
113 whole or in part on race, diversity, or gender;

114 (D) A person's failure or refusal to facilitate or assist employees in obtaining abortions
115 or gender reassignment services; or

116 (E)(i) Except as provided in division (ii) of this subparagraph, a person's participation
117 in any lawful business associations or business activities, including, without
118 limitation, business associations or business activities relating to firearms,
119 ammunition, oil, or natural gas.

120 (ii) For the purpose of this subparagraph only, the term 'social credit score' shall not
121 include a financial institution's evaluation of the quantifiable financial risk of a person
122 based on impartial, financial risk based standards concerning the activities described
123 in division (i) of this subparagraph, provided that such standards are established in
124 advance by the financial institution and publicly disclosed to its customers and
125 potential customers. Nothing in this division shall:

126 (I) Require the public disclosure of any information relating to investigations that
127 is prohibited from being publicly disclosed under applicable federal laws, including,
128 but not limited to, the federal Bank Secrecy Act, the federal Right to Financial
129 Privacy Act, and the federal USA PATRIOT Act; provided, however, that any court
130 of competent jurisdiction may review such information in camera if permitted under
131 applicable law; or

132 (II) Limit or restrict the protections afforded under Code Section 7-1-360.

133 (9) 'Utility services' means, as it relates to this Code section herein, one or more of the
134 following services:

135 (A) Electric services;

136 (B) Water and sewer services;

137 (C) Natural gas services; and

138 (D) Broadband services.

139 (10) 'Utility services provider' means any private business entity or enterprise that
140 provides utility services to retail customers.

141 10-1-439.21.

142 An essential services provider shall not:

143 (1) Discriminate in the provision of essential services against a person that has an
144 established business relationship with such essential services provider; or

145 (2) Agree, conspire, or coordinate, directly or indirectly, including through any
146 intermediary or third party, with another person or group of persons to engage in activity
147 that is prohibited by paragraph (1) of this Code section.

148 10-1-439.22.

149 (a) A violation of any provision of this part shall constitute an unfair or deceptive act or
150 practice under, and shall be subject to the provisions of, Part 2 of this article, the 'Fair
151 Business Practices Act of 1975'; provided, however, that enforcement against a violation
152 of this part through a private action shall only be brought pursuant to subsection (b) of this
153 Code section.

154 (b)(1) Any person harmed by a violation of this part may bring an action against the
155 essential services provider that committed or is committing such violation to:

156 (A) Recover, for each violation, actual damages caused by such violation
157 or \$50,000.00, whichever is greater; provided, however, that, if the trier of fact
158 determines that the violation was willful, it may increase the award of damages to an
159 amount up to three times the actual damages caused by such violation or \$150,000.00,
160 whichever is greater;

161 (B) Obtain declaratory and injunctive relief; and

162 (C) Recover any costs and reasonable attorney's fees incurred in bringing such action.

163 (2) No action shall be brought under this Code section concerning a violation of this part
164 unless such violation has first been referred to the Attorney General for investigation and
165 at least one of the following has occurred:

166 (A) The Attorney General has issued an order pursuant to paragraph (1) of
167 subsection (b) of Code Section 10-1-397 concerning such violation;

168 (B) The Attorney General has initiated an action in a superior court of competent
169 jurisdiction pursuant to paragraph (2) of subsection (b) of Code Section 10-1-397
170 concerning such violation;

171 (C) The Attorney General, pursuant to paragraph (2) of subsection (g) of Code
172 Section 10-1-397, has prepared and filed a report providing the reasons for not issuing
173 an order or bringing an action under said Code section concerning such violation, which
174 shall be admissible in any action brought pursuant to this Code section; or

175 (D) Six months have elapsed since such violation was referred to the Attorney General
176 for investigation."

177

SECTION 6.

178 All laws and parts of laws in conflict with this Act are repealed.