

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
94th General Assembly
Regular Session, 2023

As Engrossed: S1/31/23
A Bill

SENATE BILL 118

By: Senators J. Dotson, J. Boyd, J. Bryant, Crowell, Dees, Flippo, Gilmore, Hester, Hill, B. Johnson, M. Johnson, M. McKee, C. Penzo, J. Petty, Stone, D. Wallace

By: Representatives McAlindon, Andrews, Beaty Jr., Breaux, M. Brown, Ennett, Haak, Hawk, Hudson, Lundstrum, McClure, McCollum, S. Meeks, R. Scott Richardson, Rose, Underwood, Wardlaw

For An Act To Be Entitled

AN ACT TO DEFINE THE TERM "ANTISEMITISM" WHEN REVIEWING, INVESTIGATING, OR DETERMINING WHETHER THERE HAS BEEN A VIOLATION OF LAW OR POLICY PROHIBITING DISCRIMINATORY ACTS OR PRACTICES BASED ON RACE, RELIGION, ETHNICITY, OR NATIONAL ORIGIN; AND FOR OTHER PURPOSES.

Subtitle

TO DEFINE THE TERM "ANTISEMITISM" WHEN REVIEWING, INVESTIGATING, OR DETERMINING WHETHER THERE HAS BEEN A VIOLATION OF LAW OR POLICY PROHIBITING DISCRIMINATORY ACTS OR PRACTICES BASED ON RACE, RELIGION, ETHNICITY, OR NATIONAL ORIGIN.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 16, Chapter 123, is amended to add an additional subchapter to read as follows:

Subchapter 5 – Antisemitism

16-123-501. Intent.

It is the intent of the General Assembly to adopt the definition of "antisemitism" adopted on May 26, 2016, by the International Holocaust



Remembrance Alliance, including the accompanying examples of contemporary antisemitism identified by the International Holocaust Remembrance Alliance, as existing on January 1, 2023, as this definition of "antisemitism" has been adopted and used by dozens of countries as well as various departments within the United States Government.

16-123-502. Definitions.

As used in this subchapter:

(1)(A) "Antisemitism" means the same as defined by the International Holocaust Remembrance Alliance on May 26, 2016, and includes the contemporary examples of antisemitism identified by the International Holocaust Remembrance Alliance, as existing on January 1, 2023.

(B) "Antisemitism" does not include criticism of Israel that is similar to criticism against any other country;

(2) "Government" includes a branch, department, agency, instrumentality, political subdivision, official, or other person acting under color of state law; and

(3) "State law" includes without limitation a law or ordinance of a political subdivision.

16-123-503. Construction.

(a) This subchapter does not diminish or infringe upon any right protected under the First Amendment to the United States Constitution or the Arkansas Constitution.

(b) This subchapter shall not be construed to conflict with federal law or state law concerning discrimination.

16-123-504. Clarification of antisemitism related to discriminatory acts.

(a) In reviewing, investigating, or determining whether there has been a violation of any relevant policy, law, or rule prohibiting discriminatory acts, the government shall take into consideration the definition of antisemitism under § 16-123-502 for purposes of determining whether the alleged act was motivated by discriminatory antisemitic intent.

(b) A court or other relevant authority shall apply the same legal standard to a claim of discrimination because of antisemitism as applicable

to claims of discrimination arising under state laws protecting civil rights, including without limitation § 16-123-107.

SECTION 2. Arkansas Code Title 25, Chapter 1, Subchapter 1, is amended to add an additional section to read as follows:

25-1-126. State personnel education.

For the purposes of educating state personnel on issues related to discrimination, diversity, equity, inclusion, and antibias training, the definition of antisemitism under § 16-123-502 shall be used and incorporated as an educational tool to familiarize state personnel with antisemitism in all of its manifestations.

/s/J. Dotson