

Stricken language would be deleted from and underlined language would be added to the Arkansas Constitution.

State of Arkansas
94th General Assembly
Regular Session, 2023

SJR 6

By: Senator A. Clark

SENATE JOINT RESOLUTION

AN AMENDMENT TO ARKANSAS CONSTITUTION, ARTICLE 5, §
20, PERMITTING THE STATE OF ARKANSAS TO BE SUED AS A
DEFENDANT IN STATE COURT TO ENFORCE CONSTITUTIONAL
RIGHTS OR AS OTHERWISE PROVIDED BY LAW.

Subtitle

A CONSTITUTIONAL AMENDMENT PERMITTING THE
STATE OF ARKANSAS TO BE SUED AS A
DEFENDANT IN STATE COURT TO ENFORCE
CONSTITUTIONAL RIGHTS OR AS OTHERWISE
PROVIDED BY LAW.

BE IT RESOLVED BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE
STATE OF ARKANSAS, AND BY THE HOUSE OF REPRESENTATIVES, A MAJORITY OF ALL
MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

THAT the following is proposed as an amendment to the Constitution of
the State of Arkansas, and upon being submitted to the electors of the state
for approval or rejection at the next general election for Representatives
and Senators, if a majority of the electors voting thereon at the election
adopt the amendment, the amendment shall become a part of the Constitution of
the State of Arkansas, to wit:

SECTION 1. Arkansas Constitution, Article 5, § 20, is amended to read
as follows:

§ 20. ~~State not made defendant~~ When the State may be made a defendant.
(a) The Except as provided in subsection (b) of this section, the



State of Arkansas shall never be made defendant in any of her courts.

(b) The State of Arkansas may be made a defendant in any of her courts if the legal action against the State of Arkansas:

(1) Asserts that the State of Arkansas has violated the United States Constitution or the Arkansas Constitution, including without limitation a legal action seeking injunctive, declaratory, or monetary relief; or

(2) Is authorized by Arkansas law.

(c) As used in this section, "State of Arkansas" means every department, division, office, board, commission, institution, or other public entity of the State of Arkansas, including without limitation state-supported institutions of higher education.

SECTION 2. EFFECTIVE DATE. This amendment is effective on and after November 6, 2024.

SECTION 3. BALLOT TITLE AND POPULAR NAME. When this proposed amendment is submitted to the electors of this state on the general election ballot:

(1) The title of this Joint Resolution shall be the ballot title; and

(2) The popular name shall be "A Constitutional Amendment Permitting the State of Arkansas to be Sued as a Defendant in State Court to Enforce Constitutional Rights or as Otherwise Provided by Law."