

State of Arkansas

As Engrossed: 5/31/23

94th General Assembly

# A Bill

Regular Session, 2023

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



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

6  
7 16-123-502. Definitions.

8 As used in this subchapter:

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

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

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

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

20  
21 16-123-503. Construction.

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

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

27  
28 16-123-504. Clarification of antisemitism related to discriminatory  
29 acts.

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

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

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

3  
4 SECTION 2. Arkansas Code Title 25, Chapter 1, Subchapter 1, is amended  
5 to add an additional section to read as follows:

6 25-1-126. State personnel education.

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

12  
13 */s/J. Dotson*

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16 **APPROVED: 2/21/23**  
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