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

Act 126 of the Regular Session

State of Arkansas
94th General Assembly
Regular Session, 2023

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


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.

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.

(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:


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

APPROVED: 2/21/23