

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

1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4  
5 By: Senator A. Clark

SJR 6

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7 **SENATE JOINT RESOLUTION**

8 AN AMENDMENT TO ARKANSAS CONSTITUTION, ARTICLE 5, §  
9 20, PERMITTING THE STATE OF ARKANSAS TO BE SUED AS A  
10 DEFENDANT IN STATE COURT TO ENFORCE CONSTITUTIONAL  
11 RIGHTS OR AS OTHERWISE PROVIDED BY LAW.

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14 **Subtitle**

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

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

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

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

35 § 20. ~~State not made defendant~~ When the State may be made a defendant.

36 (a) The Except as provided in subsection (b) of this section, the



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

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

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

8 (2) Is authorized by Arkansas law.

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

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

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

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

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

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