

**ARKANSAS SENATE**  
94th General Assembly - Regular Session, 2023  
**Amendment Form**

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**Subtitle of Senate Bill No. 125**

TO CHANGE THE NAME OF THE FORUM ACT; TO AMEND THE RESTRICTIONS AN INSTITUTION OF  
HIGHER EDUCATION MAY IMPOSE ON FREE EXPRESSION; AND TO AMEND THE AREAS THAT  
CONSTITUTE A PUBLIC FORUM FOR MEMBERS OF A CAMPUS COMMUNITY.

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**Amendment No. 1 to Senate Bill 125**

Amend Senate Bill No. 125 as originally introduced:

Page 1, delete lines 10 through 12, and substitute the following:  
"UNIVERSITY MINDS (FORUM) ACT; TO"

AND

Delete the subtitle in its entirety, and substitute the following:

"TO AMEND THE RESTRICTIONS AN INSTITUTION  
OF HIGHER EDUCATION MAY IMPOSE ON FREE  
EXPRESSION; AND TO AMEND THE AREAS THAT  
CONSTITUTE A PUBLIC FORUM FOR MEMBERS OF  
A CAMPUS COMMUNITY."

AND

Page 1, delete lines 31 through 35

AND

Page 2, line 1, delete "SECTION 2." and substitute "SECTION 1."

AND

Page 2, delete lines 16 and 17, and substitute the following:  
"state and elsewhere should provide adequate safeguards for the First  
Amendment rights ~~of their students~~ and other free-speech rights of members of  
campus"

AND



Page 2, delete lines 31 through 33, and substitute the following:  
"institutions of higher education to shield individuals from speech that is protected by the First Amendment to the United States Constitution, this subchapter, and other state and federal statutes, including without limitation ideas and opinions the individuals may find unwelcome,"

AND

Page 3, line 6, delete "state statute" and substitute "state or federal statute"

AND

Page 3, line 11, delete "fleeting nonviolent" and substitute "fleeting nonviolent and not sonorous"

AND

Page 3, delete lines 18 and 19, and substitute the following: "speech and other expressive conduct protected by the First Amendment to the United States Constitution, this subchapter, and other state and federal statutes, including without limitation:"

AND

Page 3, line 30, delete "subsection (c)" and substitute "subsections (c) and (d)"

AND

Page 4, line 5, delete "federal law." and substitute "federal law, including without limitation contract law."

AND

Page 4, delete line 8, and substitute the following:  
"the prohibition of:

- (A) Harassment;
- (B) Discrimination;
- (C) Obscenity; and
- (D)(i) Fighting words.

(ii) As used in this section, "fighting words" means personally abusive epithets that, when addressed to the average person, have, as a matter of common knowledge, a substantial likelihood to provoke violent reaction."

AND

Page 4, delete line 11, and substitute the following:  
"expressive activities.

(d) State-supported institutions of higher education may prohibit, limit, or restrict:

(1) Expression that the First Amendment to the United States Constitution, this subchapter, and any other state or federal statute do not implicate, including without limitation true threats and expression directed to provoke imminent lawless actions and likely to produce it, or prohibiting harassment as defined by § 6-60-1003; or

(2) An individual from engaging in conduct that materially and substantially disrupts, as defined under § 6-60-1003, a class, lecture, or other presentation or event, an administrative office, or another person's expressive activity if the other person's activity is occurring in an area of campus that is reserved for an activity under the exclusive use or control of a particular individual or group."

AND

Page 5, delete lines 9 through 18, and substitute the following:

"(d) This section shall not be interpreted as+

~~(1) Limiting limiting~~ the right of campus community member expression elsewhere on campus+.

(e) State-supported institutions of higher education may prohibit, limit, or restrict:

~~(2)(1) Preventing a state supported institution of higher education from prohibiting, limiting, or restricting expression~~ Expression that the First Amendment to the United States Constitution, this subchapter, and any other state or federal statute ~~does do~~ not implicate, including without limitation true threats and expression directed to provoke imminent lawless actions and likely to produce it, or prohibiting harassment as defined by § 6-60-1003; or

~~(3)(2) Allowing an~~ An individual ~~to engage from engaging~~ in conduct that materially"

The Amendment was read the first time, rules suspended and read the second time and \_\_\_\_\_  
By: Senator D. Sullivan  
TNL/TNL - 02-07-2023 09:56:35  
TNL182 \_\_\_\_\_  
Secretary