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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Carla S. Roberts.

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DIGEST

SB 294 Original

2024 Regular Session

Hodges

Present law provides protections for free expression on public college and university campuses.

Proposed law retains present law but clarifies that free expression is the free speech and protected activities guaranteed by the First Amendment of the U.S. Constitution and the La. Constitution.

Present law defines "expressive activities" as any lawful verbal or written means by which individuals or groups communicate ideas to one another, as provided by the First Amendment of the U.S. Constitution or the La. Constitution, including all forms of peaceful assembly, protest, distribution of literature, carrying signs, and circulating petitions. The definition of "expressive activities" expressly excludes commercial activities.

Proposed law retains present law but changes the term from "expressive activities" to "free speech and First Amendment protected activities".

Present law, as it relates to the enhanced protections on campuses found in present law, excludes commercial activities when individuals or groups are being compensated or attempting to advertise, market, or accrue financial gain to any individual, corporation, business, or organization.

Proposed law retains present law but also excludes the following:

- (1) Activities in which an individual or group is being monetarily funded or organized by any individual, corporation, business, or organization that has been designated as a foreign terrorist organization by the U.S. Dept. of State.
- (2) Any criminal activity which is prohibited by state law.

Present law provides with respect to freedom of association and provides that a public college or university cannot deny a belief-based student organization any benefit or privilege available to any other student organization. Present law further provides that no public postsecondary education institution shall deny a belief-based student organization any benefit or privilege available to any other student organization, or otherwise discriminate against a belief-based organization, based on the expression of the organization, including any requirement that the leaders or members of the organization:

- (1) Affirm and adhere to the organization's sincerely held beliefs.
- (2) Comply with the organization's standards of conduct.

(3) Further the organization's mission or purpose, as defined by the organization.

Proposed law retains present law but changes the term from "belief-based student organization" to "religious or faith-based student organization".

Proposed law retains present law but provides that no public college or university is allowed to engage in discrimination on the basis of religion against any officers, leaders or members of the religious or faith-based organization in a manner that does any of the following:

- (1) Restricts the organization's sincerely held religious beliefs or the beliefs of the faith-based organization.
- (2) Requires the organization accept elect officers, choose leaders, or accept members who are not members of the same religion.

Proposed law directs the La. State Law Institute to make technical changes.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 17:3399.31(1), (2) and (5), 3399.32(A), and 3399.33)