

SECOND REGULAR SESSION

# HOUSE BILL NO. 2105

## 101ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE SCHNELTING.

4464H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To repeal section 173.1550, RSMo, and to enact in lieu thereof one new section relating to expressive activities on campuses of public institutions of higher education.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 173.1550, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 173.1550, to read as follows:

173.1550. 1. The provisions of this section shall be known and cited as the "Campus Free Expression Act". Expressive activities protected under the provisions of this section include, but are not limited to, all forms of peaceful assembly, protests, speeches, distribution of literature, carrying signs, and circulating petitions.

2. The outdoor areas of campuses of public institutions of higher education in this state shall be deemed traditional public forums. Public institutions of higher education may maintain and enforce reasonable time, place, and manner restrictions in service of a significant institutional interest only when such restrictions employ clear, published, content, and viewpoint-neutral criteria, and provide for ample alternative means of expression. Any such restrictions shall allow for members of the university community to spontaneously and contemporaneously assemble.

3. Any person who wishes to engage in noncommercial expressive activity on campus shall be permitted to do so freely, as long as the person's conduct is not unlawful and does not materially and substantially disrupt the functioning of the institution subject to the requirements of subsection 2 of this section.

4. Nothing in this section shall be interpreted as limiting the right of student expression elsewhere on campus.

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18           5. The following persons may bring an action in a court of competent jurisdiction to  
19 enjoin any violation of this section or to recover compensatory damages, reasonable court  
20 costs, and attorney fees:

21           (1) The attorney general;

22           (2) Persons whose expressive rights were violated through the violation of this  
23 section.

24           6. In an action brought under subsection 5 of this section, if the court finds a  
25 violation, the court shall award the aggrieved persons no less than five hundred dollars for the  
26 initial violation, plus fifty dollars for each day the violation remains ongoing.

27           7. A person shall be required to bring suit for violation of this section not later than  
28 one year after the day the cause of action accrues. For purposes of calculating the one-year  
29 limitation period, each day that the violation persists, and each day that a policy in violation  
30 of this section remains in effect, shall constitute a new violation of this section and, therefore,  
31 a new day that the cause of action has accrued.

32           **8. (1) This subsection shall be known and may be cited as the "Missouri**  
33 **Censorship Prohibition Act".**

34           **(2) As used in this subsection, the following terms mean:**

35           **(a) "Censor", the act of barring, banning, cancelling, prohibiting, or rescinding**  
36 **an invitation to a speaker;**

37           **(b) "Political party", the same definition as in section 115.013;**

38           **(c) "Speaker", a person invited to appear on the campus of a public institution**  
39 **of higher education as a public speaker, lecturer, or presenter.**

40           **(3) No public institution of higher education that receives state moneys shall**  
41  **censor a speaker based solely on the fact that such speaker espouses a particular**  
42  **political persuasion, holds a particular party affiliation, or expresses or intends to**  
43  **express any viewpoint or ideology that can be found in any major American political**  
44  **party platform.**

45           **(4) In addition to the causes of action allowed under subsections 5 to 7 of this**  
46  **section, any speaker censored by a public institution of higher education that receives**  
47  **state moneys may bring a civil action for defamation against such institution for**  
48  **violations of this subsection.**

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