

SECOND REGULAR SESSION

SENATE BILL NO. 923

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SIFTON.

Read 1st time January 27, 2020, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5028S.01I

AN ACT

To amend chapters 171 and 173, RSMo, by adding thereto two new sections relating to student journalists.

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

Section A. Chapters 171 and 173, RSMo, are amended by adding thereto
2 two new sections, to be known as sections 171.200 and 173.1551, to read as
3 follows:

**171.200. 1. This section and section 173.1551 shall be known and
2 may be cited as the "Cronkite New Voices Act".**

3 2. For purposes of this section, the following terms mean:

**4 (1) "School-sponsored media", any material that is prepared,
5 substantially written, published, or broadcast by a student journalist
6 at a public high school, distributed or generally made available to
7 members of the student body, and prepared under the direction of a
8 student-media advisor. The term "school-sponsored media" does not
9 include any media intended for distribution or transmission solely in
10 the classroom in which the media is produced;**

**11 (2) "Student journalist", a public high school student who
12 gathers, compiles, writes, edits, photographs, records, produces, or
13 prepares content for dissemination in school-sponsored media;**

**14 (3) "Student-media advisor", an individual employed, appointed,
15 or designated by a school district to supervise or provide instruction
16 relating to school-sponsored media.**

**17 3. Subject to the provisions of this section, the freedom of the
18 press in school-sponsored media shall be protected. A student
19 journalist has the right to exercise freedom of speech and of the press
20 in school-sponsored media. Material in school-sponsored media shall**

21 not be suppressed solely because it involves political or controversial
22 subject matter.

23 4. School districts and student-media advisors may regulate the
24 number, length, frequency, and format of school-sponsored
25 media. Review of material prepared for school-sponsored media and
26 encouragement of the expression of such material in a manner that is
27 consistent with professional standards of English and journalism shall
28 not be deemed to be or construed as an abridgement of the right to
29 freedom of expression in school-sponsored media or a restraint on
30 publication of the material therein.

31 5. A school district shall not authorize any prior restraint of any
32 school-sponsored media except if the administration or student-media
33 advisor reasonably determines or anticipates that the media:

- 34 (1) Is libelous or slanderous;
- 35 (2) Constitutes an invasion of privacy;
- 36 (3) Violates federal or state law;
- 37 (4) Is a threat of violence;
- 38 (5) Advertises a product or service that is illegal or is not
39 permitted to be sold to minors by law;
- 40 (6) Violates the rights of others;
- 41 (7) Is likely to incite students to commit an unlawful act or to
42 violate school district policy or procedure; or
- 43 (8) Is likely to materially and substantially disrupt or interfere
44 with the orderly operation of the school.

45 6. Subject to the limitations imposed by this section, student
46 journalists are responsible for determining the news, opinion, and
47 advertising content of school-sponsored media. Student-media advisors
48 are responsible for teaching and encouraging free and responsible
49 expression of material and professional standards of English and
50 journalism. No student-media advisor shall be disciplined, terminated
51 from employment, transferred, or relieved of duties imposed under this
52 subsection for refusal to abridge or infringe upon the right to freedom
53 of expression conferred by this section.

54 7. No publication or other expression of matter by students in
55 the exercise of rights under this section shall be deemed to be an
56 expression of a school district's policy. No school district, member of
57 the board of education, student-media advisor, or employee of a school

58 district shall be held liable in any civil or criminal action for any
59 publication or other expression of matter by student journalists in the
60 exercise of rights under this section except to the extent that such
61 persons or entities actively participated in the conduct that is the
62 subject of the civil or criminal action or knew of the conduct and failed
63 to take timely action to prevent or withdraw publication or expression
64 that is the subject of the civil or criminal action. A student journalist
65 who has attained the age of majority may be held liable in any civil or
66 criminal action for material expressed in student publications to the
67 extent of such student journalist's responsibility for and involvement
68 in the preparation and publication of such matter.

69 8. Each school district shall adopt a written policy regarding the
70 freedom of the press and expression by students in accordance with
71 this section. The policy shall include reasonable provisions for the
72 time, place, and manner of student expression. The policy may also
73 include limitations regarding language that may be defined as vulgar,
74 obscene, offensively lewd, profane, harassing, threatening, or
75 intimidating.

173.1551. 1. For purposes of this section, the following terms
2 mean:

3 (1) "School-sponsored media", any material that is prepared,
4 substantially written, published, or broadcast by a student journalist
5 at a public institution of higher education in this state, distributed or
6 generally made available to members of the student body, and prepared
7 under the direction of a student-media advisor. The term "school-
8 sponsored media" does not include any media intended for distribution
9 or transmission solely in the classroom in which the media is produced;

10 (2) "Student journalist", a student of a public institution of higher
11 education who gathers, compiles, writes, edits, photographs, records,
12 produces, or prepares content for dissemination in school-sponsored
13 media;

14 (3) "Student-media advisor", an individual employed, appointed,
15 or designated by a public institution of higher education in this state
16 to supervise or provide instruction relating to school-sponsored media.

17 2. Subject to the provisions of this section, the freedom of the
18 press in school-sponsored media shall be protected. A student
19 journalist has the right to exercise freedom of speech and of the press

20 in school-sponsored media. Material in school-sponsored media shall
21 not be suppressed solely because it involves political or controversial
22 subject matter.

23 3. Subject to subsection 4 of this section, a student journalist is
24 responsible for determining the news, opinion, feature, and advertising
25 content of school-sponsored media. This subsection shall not be
26 construed to prevent a student-media advisor from teaching
27 professional standards of English and journalism to student journalists.

28 4. This section does not authorize or protect expression by a
29 student that:

- 30 (1) Is libelous or slanderous;
31 (2) Constitutes an invasion of privacy;
32 (3) Violates federal or state law;
33 (4) Is likely to incite students to commit an unlawful act or to
34 violate institution policy or procedure; or
35 (5) Is likely to materially and substantially disrupt or interfere
36 with the orderly operation of the institution.

37 5. Except as provided in subsection 4 of this section, a student
38 journalist at a public institution of higher education in the state shall
39 not be disciplined for exercising his or her freedom of expression in
40 school-sponsored media.

41 6. A student-media advisor at a public institution of higher
42 education in the state shall not be dismissed, suspended, disciplined,
43 reassigned, transferred, or otherwise retaliated against for protecting
44 or refusing to infringe on the rights of student journalists outlined in
45 this section.

46 7. No publication or other expression of matter by students in
47 the exercise of rights under this section shall be deemed to be an
48 expression of an institution's policy. No public institution of higher
49 education or a member of the institution's governing body or employee
50 thereof shall be held liable in any civil or criminal action for any
51 publication or other expression of matter by student journalists in the
52 exercise of rights under this section except to the extent that such
53 persons or entities actively participated in the conduct that is the
54 subject of the civil or criminal action.