

SCS SB 93 -- CAMPUS FREE EXPRESSION ACT

SPONSOR: Emery (Brattin)

COMMITTEE ACTIONS: Voted "Do Pass" by the Standing Committee on Higher Education by a vote of 10 to 0. Voted "Do Pass" by the Select Committee on Education by a vote of 6 to 2.

This bill creates the "Campus Free Expression Act" to protect free expression on college and university campuses.

The bill designates the outdoor areas of campuses of public institutions of higher education to be 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 the restrictions employ clear, published, content and viewpoint-neutral criteria, and provide for ample alternative means of expression.

Any person may freely engage in noncommercial expressive activity so long as the person's conduct is not unlawful and does not materially and substantially disrupt the institution's functioning.

These provisions may be enforced in a court of competent jurisdiction by the Attorney General or any person whose expressive rights were violated under this section. A person may recover compensatory damages, reasonable court costs, and attorney fees. If a court finds a violation occurred it must award no less than \$500 for the initial violation, plus \$50 for each day the violation continues. A suit for violation of this section must be brought within one year of the day the cause of action accrues, as described in these provisions.

PROPOSERS: Supporters say that this bill protects the fundamental right of free speech for students and activists on campus, but not in a way that interferes with other students' learning.

Testifying for the bill were Senator Emery; Missouri Family Network; ACLU of Missouri; and Foundation for Individual Rights in Education.

OPPOSERS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill say they are comfortable with how their respective universities are currently handling speech on campus.

Testifying on the bill were Missouri State University and University of Missouri.