

FIRST REGULAR SESSION

# HOUSE BILL NO. 480

101ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE CHRISTOFANELLI.

1201H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

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

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*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 two new sections, to be known as sections 171.200 and 173.1551, to read as follows:

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

**2. As used in this section, the following terms mean:**

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

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

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

**3. Subject to the provisions of this section, the freedom of the press in school-sponsored media shall be protected. A student journalist has the right to exercise freedom**

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.

17 of speech and of the press in school-sponsored media. Material in school-sponsored media  
18 shall not be suppressed solely because it involves political or controversial subject matter.

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

25 **5. A school district shall not authorize any prior restraint of any school-sponsored**  
26 **media except if the administration or student-media advisor reasonably determines or**  
27 **anticipates that the media:**

28 **(1) Is libelous or slanderous;**

29 **(2) Constitutes an invasion of privacy;**

30 **(3) Violates federal or state law;**

31 **(4) Is a threat of violence;**

32 **(5) Advertises a product or service that is illegal or is not permitted to be sold to**  
33 **minors by law;**

34 **(6) Violates the rights of others;**

35 **(7) Is likely to incite students to commit an unlawful act or to violate school district**  
36 **policy or procedure; or**

37 **(8) Is likely to materially and substantially disrupt or interfere with the orderly**  
38 **operation of the school.**

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

46 **7. No publication or other expression of matter by students in the exercise of rights**  
47 **under this section shall be deemed to be an expression of a school district's policy. No**  
48 **school district, member of the board of education, student-media advisor, or employee of**  
49 **a school district shall be held liable in any civil or criminal action for any publication or**  
50 **other expression of matter by student journalists in the exercise of rights under this section**  
51 **except to the extent that such persons or entities actively participated in the conduct that**  
52 **is the subject of the civil or criminal action or knew of the conduct and failed to take timely**

53 **action to prevent or withdraw such publication or expression that is the subject of the civil**  
54 **or criminal action. A student journalist who has attained the age of majority may be held**  
55 **liable in any civil or criminal action for material expressed in student publications to the**  
56 **extent of such student journalist's responsibility for and involvement in the preparation**  
57 **and publication of such matter.**

58 **8. Each school district shall adopt a written policy regarding the freedom of the**  
59 **press and expression by students in accordance with this section. The policy shall include**  
60 **reasonable provisions for the time, place, and manner of student expression. The policy**  
61 **may also include limitations regarding language that may be defined as vulgar, obscene,**  
62 **offensively lewd, profane, harassing, threatening, or intimidating.**

**173.1551. 1. As used in this section, the following terms mean:**

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

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

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

14 **2. Subject to the provisions of this section, the freedom of the press in school-**  
15 **sponsored media shall be protected. A student journalist has the right to exercise freedom**  
16 **of speech and of the press in school-sponsored media. Material in school-sponsored media**  
17 **shall not be suppressed solely because it involves political or controversial subject matter.**

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

22 **4. This section does not authorize or protect expression by a student that:**

23 **(1) Is libelous or slanderous;**

24 **(2) Constitutes an invasion of privacy;**

25 **(3) Violates federal or state law;**

26           **(4) Is likely to incite students to commit an unlawful act or to violate institution**  
27 **policy or procedure; or**

28           **(5) Is likely to materially and substantially disrupt or interfere with the orderly**  
29 **operation of the institution.**

30           **5. Except as provided in subsection 4 of this section, a student journalist at a public**  
31 **institution of higher education in this state shall not be disciplined for exercising such**  
32 **student journalist's freedom of expression in school-sponsored media.**

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

37           **7. No publication or other expression of matter by students in the exercise of rights**  
38 **under this section shall be deemed to be an expression of an institution's policy. No public**  
39 **institution of higher education or member of the institution's governing body or employee**  
40 **thereof shall be held liable in any civil or criminal action for any publication or other**  
41 **expression of matter by student journalists in the exercise of rights under this section**  
42 **except to the extent that such persons or entities actively participated in the conduct that**  
43 **is the subject of the civil or criminal action.**

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