

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 441

99TH GENERAL ASSEMBLY

1126H.02P

D. ADAM CRUMBLISS, 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. For purposes of 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. The term 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 of speech and of the press in school-sponsored media. Material in school-sponsored media shall not be suppressed solely because it involves political or controversial subject matter.**

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

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

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

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

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

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

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

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

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

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

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

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

54 of majority may be held liable in any civil or criminal action for material expressed in  
55 student publications to the extent of any such student journalist's responsibility for and  
56 involvement in the preparation and publication of such matter.

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

173.1551. 1. For purposes of 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. The term does not include any  
6 media intended for distribution or transmission solely in the classroom in which the media  
7 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 an**  
31 **institution of higher education in the state shall not be disciplined for exercising his or her**  
32 **freedom of expression in school-sponsored media.**

33           **6. A student-media advisor at an institution of higher education in the state shall**  
34 **not be dismissed, suspended, disciplined, re assigned, transferred, or otherwise retaliated**  
35 **against for protecting or refusing to infringe on the rights of student journalists outlined**  
36 **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**  
39 **institution of higher education or a member of the institution's governing body or**  
40 **employee thereof shall be held liable in any civil or criminal action for any publication or**  
41 **other expression of matter by student journalists in the exercise of rights under this section**  
42 **except to the extent that said persons or entities actively participated in the conduct that**  
43 **is the subject of the civil or criminal action.**

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