

HB 442 -- CAMPUS FREE EXPRESSION ACT

SPONSOR: Moon

This bill modifies the Campus Free Expression Act. Every public institution of higher education shall adopt a free expression policy before January 1, 2020. The free expression policy must include statements establishing that any person lawfully on campus may protest or demonstrate there; the campus is open to any speaker invited by students or faculty; and the institution will not deny any student organization any benefit or privilege based on the content of the organization's expression. Institutions must include their policies regarding free expression in freshman orientation programs.

The bill establishes that institutions may regulate student expression that is not protected by the First Amendment, including expression that violates state or federal law, defamation, harassment, true threats, and invasions of privacy. Institutions may also impose reasonable time, place, and manner restrictions.

The bill requires each public institution of higher education to issue an annual report regarding its handling of free-speech issues.

The bill also establishes a state waiver of sovereign immunity for lawsuits arising out of the Campus Free Expression Act.

This bill is similar to HB 2423 (2018).