

Session 123 - (2019-2020)

S 0033 General Bill, By Grooms and Campsen

Summary: Campus Free Expression Act

A BILL TO AMEND CHAPTER 101, TITLE 59 OF THE 1976 CODE, RELATING TO COLLEGES AND INSTITUTIONS OF HIGHER LEARNING, GENERALLY, BY ADDING ARTICLE 4, TO ENACT THE CAMPUS FREE EXPRESSION ACT, TO PROVIDE THAT OUTDOOR AREAS OF CAMPUSES OF PUBLIC COLLEGES AND INSTITUTIONS OF HIGHER LEARNING IN THIS STATE SHALL BE DEEMED TRADITIONAL PUBLIC FORUMS, TO PROVIDE THAT ANY PERSON WISHING TO ENGAGE IN NONCOMMERCIAL EXPRESSIVE ACTIVITY ON CAMPUS SHALL BE PERMITTED TO DO SO FREELY UNLESS THE PERSON'S CONDUCT IS UNLAWFUL OR MATERIALLY AND SUBSTANTIALLY DISRUPTS THE FUNCTIONING OF THE INSTITUTION, TO PROVIDE FOR PERMISSIBLE RESTRICTIONS THAT A PUBLIC INSTITUTION OF HIGHER LEARNING MAY PLACE IN CERTAIN AREAS, TO PROVIDE THAT A PUBLIC INSTITUTION OF HIGHER LEARNING SHALL INCLUDE A RANGE OF DISCIPLINARY SANCTIONS FOR ANYONE WITHIN ITS JURISDICTION WHO MATERIALLY AND SUBSTANTIALLY INTERFERES WITH THE FREE EXPRESSION OF OTHERS, TO PROVIDE THAT THE GOVERNING BOARD OF EACH STATE INSTITUTION OF HIGHER LEARNING SHALL DEVELOP AND ADOPT A POLICY ON FREE EXPRESSION BY JANUARY 1, 2020, TO PROVIDE FOR THE CONTENTS OF SUCH POLICY, TO PROVIDE THAT THE ATTORNEY GENERAL AND PERSONS WHOSE EXPRESSIVE RIGHTS HAVE BEEN VIOLATED BY A VIOLATION OF THIS ARTICLE MAY BRING AN ACTION IN A COURT OF COMPETENT JURISDICTION TO ENJOIN ANY VIOLATION OF THIS ARTICLE OR TO RECOVER COMPENSATORY DAMAGES, REASONABLE COURT COSTS, AND ATTORNEYS' FEES, TO PROVIDE THAT THE GOVERNING BOARD OF EACH PUBLIC INSTITUTION OF HIGHER LEARNING SHALL ISSUE AN ANNUAL REPORT ON THE ADMINISTRATIVE HANDLING OF FREE SPEECH ISSUES WITHIN ITS RESPECTIVE INSTITUTION, TO PROVIDE FOR EXCLUSIONS TO THIS ARTICLE, AND TO DEFINE NECESSARY TERMS.

12/12/18 Senate Prefiled

12/12/18 Senate Referred to Committee on Education

01/08/19 Senate Introduced and read first time (Senate Journal-page 53)

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