

State of Arizona
House of Representatives
Fifty-second Legislature
Second Regular Session
2016

CHAPTER 250

HOUSE BILL 2615

AN ACT

AMENDING SECTIONS 15-1861 AND 15-1864, ARIZONA REVISED STATUTES; AMENDING
TITLE 15, CHAPTER 14, ARTICLE 6, ARIZONA REVISED STATUTES, BY ADDING SECTION
15-1865; RELATING TO POSTSECONDARY EDUCATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-1861, Arizona Revised Statutes, is amended to
3 read:

4 15-1861. Definitions

5 In this article, unless the context otherwise requires:

6 1. "Community college" has the same meaning prescribed in section
7 15-1401.

8 2. "Public forum" includes BOTH A TRADITIONAL PUBLIC FORUM, WHICH IS
9 any open, outdoor area on the campus of a university or community college,
10 and A DESIGNATED PUBLIC FORUM, WHICH IS any ~~facilities, buildings~~ FACILITY,
11 BUILDING or ~~parts~~ PART of ~~buildings~~ A BUILDING that the university or
12 community college has opened to students or student organizations for
13 expression.

14 3. "University" means a university under the jurisdiction of the
15 Arizona board of regents.

16 Sec. 2. Section 15-1864, Arizona Revised Statutes, is amended to read:

17 15-1864. Students' right to speak in a public forum; court
18 actions

19 A. A university or community college shall not restrict a student's
20 right to speak, including verbal speech, holding a sign or distributing
21 fliers or other materials, in a public forum.

22 ~~B. A university or community college may restrict a student's speech~~
23 ~~in a public forum only if it demonstrates that application of the burden to~~
24 ~~the student is both:~~

25 ~~1. In furtherance of a compelling governmental interest.~~

26 ~~2. The least restrictive means of furthering that compelling~~
27 ~~governmental interest.~~

28 B. A UNIVERSITY OR COMMUNITY COLLEGE SHALL NOT IMPOSE RESTRICTIONS ON
29 THE TIME, PLACE AND MANNER OF STUDENT SPEECH THAT:

30 1. OCCURS IN A PUBLIC FORUM.

31 2. IS PROTECTED BY THE FIRST AMENDMENT TO THE UNITED STATES
32 CONSTITUTION UNLESS THE RESTRICTIONS:

33 (a) ARE REASONABLE.

34 (b) ARE JUSTIFIED WITHOUT REFERENCE TO THE CONTENT OF THE REGULATED
35 SPEECH.

36 (c) ARE NARROWLY TAILORED TO SERVE A SIGNIFICANT GOVERNMENTAL
37 INTEREST.

38 (d) LEAVE OPEN AMPLE ALTERNATIVE CHANNELS FOR COMMUNICATION OF THE
39 INFORMATION.

40 C. THE FOLLOWING PERSONS MAY BRING AN ACTION IN A COURT OF COMPETENT
41 JURISDICTION TO ENJOIN ANY VIOLATION OF THIS SECTION OR TO RECOVER REASONABLE
42 COURT COSTS AND REASONABLE ATTORNEY FEES:

43 1. THE ATTORNEY GENERAL.

44 2. A STUDENT WHOSE EXPRESSIVE RIGHTS WERE VIOLATED BY A VIOLATION OF
45 THIS SECTION.

1 D. IN AN ACTION BROUGHT UNDER SUBSECTION C OF THIS SECTION, IF THE
2 COURT FINDS THAT A VIOLATION OF THIS SECTION OCCURRED, THE COURT SHALL AWARD
3 THE AGGRIEVED PERSON INJUNCTIVE RELIEF FOR THE VIOLATION AND SHALL AWARD
4 REASONABLE COURT COSTS AND REASONABLE ATTORNEY FEES.

5 E. A PERSON SHALL BRING AN ACTION FOR A VIOLATION OF THIS SECTION
6 WITHIN ONE YEAR AFTER THE DATE THE CAUSE OF ACTION ACCRUES. FOR THE PURPOSE
7 OF CALCULATING THE ONE-YEAR LIMITATION PERIOD, EACH DAY THAT THE VIOLATION
8 PERSISTS OR EACH DAY THAT A POLICY IN VIOLATION OF THIS SECTION REMAINS IN
9 EFFECT CONSTITUTES A NEW VIOLATION OF THIS SECTION AND SHALL BE CONSIDERED A
10 DAY THAT THE CAUSE OF ACTION HAS ACCRUED.

11 Sec. 3. Title 15, chapter 14, article 6, Arizona Revised Statutes, is
12 amended by adding section 15-1865, to read:

13 15-1865. Free speech; prohibition

14 SUBJECT TO REASONABLE TIME, PLACE AND MANNER RESTRICTIONS, A COMMUNITY
15 COLLEGE OR UNIVERSITY MAY NOT LIMIT ANY AREA ON CAMPUS WHERE FREE SPEECH MAY
16 BE EXERCISED.

APPROVED BY THE GOVERNOR MAY 16, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 16, 2016.