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

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

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

15-1861. Definitions
In this article, unless the context otherwise requires:
1. "Community college" has the same meaning prescribed in section 15-1401.
2. "Public forum" includes BOTH A TRADITIONAL PUBLIC FORUM, WHICH IS any open, outdoor area on the campus of a university or community college, and A DESIGNATED PUBLIC FORUM, WHICH IS any facilities, buildings FACILITY, BUILDING or parts PART of buildings A BUILDING that the university or community college has opened to students or student organizations for expression.
3. "University" means a university under the jurisdiction of the Arizona board of regents.

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

15-1864. Students' right to speak in a public forum; court actions
A. A university or community college shall not restrict a student's right to speak, including verbal speech, holding a sign or distributing fliers or other materials, in a public forum.
B. A university or community college may restrict a student's speech in a public forum only if it demonstrates that application of the burden to the student is both:
   1. In furtherance of a compelling governmental interest.
   2. The least restrictive means of furthering that compelling governmental interest.
B. A UNIVERSITY OR COMMUNITY COLLEGE SHALL NOT IMPOSE RESTRICTIONS ON THE TIME, PLACE AND MANNER OF STUDENT SPEECH THAT:
   1. OCCURS IN A PUBLIC FORUM.
   2. IS PROTECTED BY THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION UNLESS THE RESTRICTIONS:
      (a) ARE REASONABLE.
      (b) ARE JUSTIFIED WITHOUT REFERENCE TO THE CONTENT OF THE REGULATED SPEECH.
      (c) ARE NARROWLY TAILORED TO SERVE A SIGNIFICANT GOVERNMENTAL INTEREST.
      (d) LEAVE OPEN AMPLE ALTERNATIVE CHANNELS FOR COMMUNICATION OF THE INFORMATION.
C. THE FOLLOWING PERSONS MAY BRING AN ACTION IN A COURT OF COMPETENT JURISDICTION TO ENJOIN ANY VIOLATION OF THIS SECTION OR TO RECOVER REASONABLE COURT COSTS AND REASONABLE ATTORNEY FEES:
   1. THE ATTORNEY GENERAL.
   2. A STUDENT WHOSE EXPRESSIVE RIGHTS WERE VIOLATED BY A VIOLATION OF THIS SECTION.
D. In an action brought under subsection C of this section, if the court finds that a violation of this section occurred, the court shall award the aggrieved person injunctive relief for the violation and shall award reasonable court costs and reasonable attorney fees.

E. A person shall bring an action for a violation of this section within one year after the date the cause of action accrues. For the purpose of calculating the one-year limitation period, each day that the violation persists or each day that a policy in violation of this section remains in effect constitutes a new violation of this section and shall be considered a day that the cause of action has accrued.

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

15-1865. Free speech; prohibition

Subject to reasonable time, place and manner restrictions, a community college or university may not limit any area on campus where free speech may be exercised.