

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)

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.