

State of Arizona  
Senate  
Fifty-fourth Legislature  
First Regular Session  
2019

**CHAPTER 57**  
**SENATE BILL 1069**

AN ACT

AMENDING SECTION 15-1864, ARIZONA REVISED STATUTES; RELATING TO STUDENTS'  
RIGHT TO SPEECH.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-1864, Arizona Revised Statutes, is amended to  
3 read:

4 15-1864. Students' right to speak in a public forum; protests  
5 and demonstrations; invited speakers; court  
6 actions

7 A. A university or community college ~~may~~ **SHALL NOT** restrict a  
8 student's right to speak, including verbal speech, holding a sign or  
9 distributing fliers or other materials, in a public forum, **BUT MAY IMPOSE**  
10 **REASONABLE TIME, PLACE AND MANNER RESTRICTIONS AS PERMITTED BELOW.**

11 B. A university or community college shall not impose restrictions  
12 on the time, place and manner of student speech that occurs in a public  
13 forum and is protected by the first amendment to the United States  
14 Constitution unless the restrictions:

15 1. Are reasonable.

16 2. Are justified without reference to the content of the regulated  
17 speech.

18 3. Are necessary to achieve a compelling governmental interest.

19 4. Are the least restrictive means to further that compelling  
20 government interest.

21 5. Leave open ample alternative channels for communication of the  
22 information.

23 6. Allow spontaneous assembly and distribution of literature.

24 C. A person who is lawfully present on a university or community  
25 college campus may protest or demonstrate on that campus. Individual  
26 conduct that materially and substantially infringes on the rights of other  
27 persons to engage in or listen to expressive activity is not allowed and  
28 is subject to sanction. This subsection does not prohibit faculty members  
29 from maintaining order in the classroom.

30 D. The public areas of university and community college campuses  
31 are public forums and are open on the same terms to any speaker.

32 E. University and community college campuses are open to any  
33 speaker whom a student, student group or faculty member has invited.

34 F. A university or community college shall make reasonable efforts  
35 and make available reasonable resources to address the safety of an  
36 invited speaker and other persons in attendance. A university or  
37 community college may not charge security fees based on the content of the  
38 speech of the person who invited a speaker or of the invited speaker. A  
39 university or community college may restrict the use of its nonpublic  
40 facilities to invited individuals.

41 G. An individual student or a faculty or staff member of a  
42 university or community college may take a position on the public policy  
43 controversies of the day, but the institution is encouraged to attempt to  
44 remain neutral, as an institution, on the public policy controversies of

1 the day unless the administrative decisions on such issues are essential  
2 to the day-to-day functioning of the university or community college.

3 H. The university or community college may not take action, as an  
4 institution, on the public policy controversies of the day in a way that  
5 requires students or faculty members to publicly express or endorse a  
6 particular view of a public policy controversy.

7 I. The following persons may bring an action in a court of  
8 competent jurisdiction to enjoin any violation of this article by any  
9 university, community college, faculty member or administrator or to  
10 recover reasonable court costs and reasonable attorney fees:

11 1. The attorney general.

12 2. A person whose expressive rights were violated by a violation of  
13 this article.

14 J. In an action brought under subsection I of this section, if the  
15 court finds that a violation of this article occurred, the court shall  
16 award the aggrieved person injunctive relief for the violation and shall  
17 award reasonable court costs and reasonable attorney fees. The court  
18 shall also award damages of one thousand dollars or actual damages,  
19 whichever is greater.

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

APPROVED BY THE GOVERNOR APRIL 10, 2019.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 10, 2019.