Senate Engrossed

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

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)

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

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

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

A. A university or community college ~~may~~ 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, BUT MAY IMPOSE REASONABLE TIME, PLACE AND MANNER RESTRICTIONS AS PERMITTED BELOW.

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

1. Are reasonable.

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

3. Are necessary to achieve a compelling governmental interest.

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

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

6. Allow spontaneous assembly and distribution of literature.

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

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

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

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

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

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

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

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

1. The attorney general.

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

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

K. A person shall bring an action for a violation of this article 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 article remains in effect constitutes a new violation of this article and shall be considered a day that the cause of action has accrued.