

HB 408 -- CAMPUS FREE EXPRESSION ACT

SPONSOR: Brattin

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Higher Education by a vote of 11 to 0.

This bill creates the "Campus Free Expression Act" to protect free expression on the campuses of public institutions of higher education. Examples of protected expressive activities are described in the bill.

The bill designates the outdoor areas of campuses of public institutions of higher education to be traditional public forums. Public institutions of higher education may maintain and enforce reasonable time, place, and manner restrictions in service of a compelling institutional interest only when the restrictions employ clear, published, content and viewpoint-neutral criteria, and provide for ample alternative means of expression.

Any individual may freely engage in expressive activity so long as his or her conduct is not unlawful and does not materially and substantially disrupt the institution's functioning.

These provisions may be enforced in a court of competent jurisdiction by the Attorney General or any individual whose expressive rights were violated under these provisions. He or she may recover compensatory damages, reasonable court costs, and attorney fees. If a court finds a violation of this act, it must award no less than \$500 for the initial violation, plus \$50 for each day the violation continues. A suit for violation of this section must be brought within one year of the day the cause of action accrues.

PROPONENTS: Supporters say that this bill protects the constitutional right to free speech.

Testifying for the bill were Representative Brattin; Missouri Family Network; ACLU Of Missouri; and Foundation For Individual Rights In Education.

OPPONENTS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill say limiting speech to certain times and locations may ensure it doesn't interfere with learning.

Testifying on the bill were Missouri State University and University Of Missouri.