

By: Watson

S.B. No. 447

A BILL TO BE ENTITLED

AN ACT

relating to the protection of expressive activities at public institutions of higher education.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.9315 to read as follows:

Sec. 51.9315. PROTECTED EXPRESSION ON CAMPUS. (a) In this section:

(1) "Expressive activities" means any speech or expressive conduct protected by the First Amendment to the United States Constitution or Section 8, Article I, Texas Constitution, and includes assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions.

(2) "Institution of higher education" has the meaning assigned by Section 61.003.

(b) An institution of higher education may not:

(1) designate any area on campus as a free speech zone or otherwise create policies implying that its students' expressive activities are restricted to particular areas of campus; or

(2) restrict the right of students to engage in expression in a traditional public forum.

(c) Notwithstanding Subsection (b), an institution of higher education may adopt a policy that imposes reasonable

1 restrictions on the time, place, and manner of expressive
2 activities in the common outdoor areas of the institution's campus
3 if those restrictions:

4 (1) are narrowly tailored to serve a significant
5 institutional interest;

6 (2) employ clear, published, content-neutral, and
7 viewpoint-neutral criteria; and

8 (3) provide for ample alternative means of expression.

9 (d) Each institution of higher education shall adopt a
10 policy that:

11 (1) prohibits preventing a student from engaging in
12 expressive activities because of the content or message of the
13 expressive activities;

14 (2) prohibits any institution official or employee
15 from preventing or disinviting a speaker from speaking at the
16 institution for any reason other than a reasonable concern
17 regarding a legitimate risk to campus safety; and

18 (3) establishes disciplinary sanctions for students
19 or employees who persist in unduly interfering with the expressive
20 activities of others on campus after being asked by an institution
21 official or employee to stop the interference.

22 SECTION 2. This Act takes effect September 1, 2019.