

SENATE BILL No. 349

May 2, 2017, Introduced by Senators COLBECK, JONES, NOFS, PAVLOV,
BRANDENBURG, GREEN, HANSEN, EMMONS, HUNE and SCHUITMAKER and
referred to the Committee on Judiciary.

A bill to protect the right of free speech and assembly on the
campuses of public universities and community and junior colleges;
to provide for enforcement of that right; and to provide remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "campus free speech act".

3 Sec. 2. As used in this act:

4 (a) "Expressive conduct" includes, but is not limited to, all
5 peaceful forms of assembly, protest, speech, distributing
6 literature, carrying signs, and circulating petitions.

7 (b) "Public institution of higher education" means a public
8 community or junior college established under section 7 of article
9 VIII of the state constitution of 1963 or part 25 of the revised
10 school code, 1976 PA 451, MCL 380.1601 to 380.1607, or a state

1 university described in section 4, 5, or 6 of article VIII of the
2 state constitution of 1963.

3 Sec. 3. A public institution of higher education may restrict
4 expressive conduct in the public areas of its campuses only if it
5 demonstrates that the restriction meets all of the following:

6 (a) Is necessary to achieve a compelling governmental
7 interest.

8 (b) Is the least restrictive means of furthering that
9 compelling governmental interest.

10 (c) Leaves open ample alternative opportunities to engage in
11 the expressive conduct.

12 (d) Allows for spontaneous assembly and distribution of
13 literature.

14 Sec. 4. An individual aggrieved by a violation of this act,
15 the attorney general, or both may bring an action in a court of
16 competent jurisdiction to obtain the following remedies:

17 (a) In all cases, reasonable court costs and attorney fees.

18 (b) In all cases, injunctive relief as appropriate.

19 (c) In a case brought by or on behalf of an individual
20 aggrieved by a violation of this act, that individual's actual
21 damages or \$1,000.00, whichever is greater.

22 Sec. 5. An action brought under section 4 shall be commenced
23 not later than 1 year after the day that the cause of action
24 accrued. For purposes of calculating this 1-year limitation period,
25 a cause of action accrues each day that a violation of this act
26 persists or a policy in violation of this act remains in effect.