

# HOUSE BILL NO. 4435

April 09, 2019, Introduced by Reps. Reilly, Hoitenga, Steven Johnson, Miller, Meerman, Paquette, Markkanen, Hornberger, LaFave, Eisen and Mueller and referred to the Committee on Oversight.

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 in open



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1 areas, and filming and broadcasting on the internet.

2 (b) "Public institution of higher education" means a public  
3 community or junior college established under section 7 of article  
4 VIII of the state constitution of 1963 or part 25 of the revised  
5 school code, 1976 PA 451, MCL 380.1601 to 380.1607, or a state  
6 university described in section 4, 5, or 6 of article VIII of the  
7 state constitution of 1963.

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

11 (a) Is necessary to achieve a compelling governmental interest  
12 and is viewpoint and content neutral.

13 (b) Leaves open ample alternative opportunities to engage in  
14 the expressive conduct.

15 (c) Allows for spontaneous assembly and distribution of  
16 literature.

17 (d) Does not quarantine speech to zones.

18 Sec. 4. For any violation of this act, an individual aggrieved  
19 by the violation, the attorney general, or both may bring an action  
20 in a court of competent jurisdiction to obtain the following  
21 remedies:

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

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

24 (c) In a case brought by or on behalf of an individual  
25 aggrieved by a violation of this act, that individual's actual  
26 damages or \$1,000.00, whichever is greater, to be awarded to that  
27 individual.

28 Sec. 5. An action brought under section 4 shall be commenced  
29 not later than 1 year after the day that the cause of action



1 accrued. For purposes of calculating this 1-year limitation period,  
2 a cause of action accrues each day that a violation of this act  
3 persists or a policy in violation of this act remains in effect.

