

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 422

BY SCOTT

AN ACT

1 RELATING TO HIGHER EDUCATION; AMENDING CHAPTER 37, TITLE 33, IDAHO CODE, BY
2 THE ADDITION OF A NEW SECTION 33-3728, IDAHO CODE, TO PROHIBIT CERTAIN
3 RESTRICTIONS ON FREE SPEECH.
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5 Be It Enacted by the Legislature of the State of Idaho:

6 SECTION 1. That Chapter 37, Title 33, Idaho Code, be, and the same is
7 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
8 ignated as Section 33-3728, Idaho Code, and to read as follows:

9 33-3728. CAMPUS FREE SPEECH. An institution of higher education that
10 receives funding from the state shall not impose restrictions on the time,
11 place and manner of student speech that is protected by the first amendment
12 of the United States constitution or section 9, article I of the Idaho con-
13 stitution, unless the restrictions:

- 14 (1) Are reasonable;
- 15 (2) Are justified without reference to the content of the regulated
16 speech;
- 17 (3) Are narrowly tailored to serve a significant government interest;
- 18 (4) Leave open ample alternative channels for communication of the in-
19 formation; and
- 20 (5) Do not establish free speech zones or otherwise limit free speech to
21 certain areas of the institution's campus.