



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

SB1560

Introduced 2/9/2017, by Sen. Michael Connelly

#### SYNOPSIS AS INTRODUCED:

New Act  
110 ILCS 10/2

from Ch. 144, par. 226

Creates the Campus Free Expression Act. Deems the outdoor areas of campuses of institutions of higher education (both private and public) as traditional public forums. Provides that institutions of higher education may maintain and enforce reasonable time, place, and manner restrictions in service of a significant institutional interest only when such restrictions employ clear, published, content-neutral, and viewpoint-neutral criteria and provide for ample alternative means of expression, with any such restrictions allowing for members of the higher education community to spontaneously and contemporaneously assemble. Provides that any person who wishes to engage in noncommercial, expressive activity on campus shall be permitted to do so freely, as long as the person's conduct is not unlawful (subject to an institution's restrictions). Contains enforcement provisions. Amends the Campus Demonstrations Policy Act to make a corresponding change. Effective immediately.

LRB100 03897 NHT 21576 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Campus  
5 Free Expression Act.

6 Section 5. Definitions. In this Act:

7 "Expressive activity" includes, but is not limited to, all  
8 forms of peaceful assembly, protests, speeches, distributing  
9 literature, carrying signs, and circulating petitions.

10 "Institution of higher education" means a private  
11 institution of higher education approved by the Illinois  
12 Student Assistance Commission for purposes of the monetary  
13 award program under Section 35 of the Higher Education Student  
14 Assistance Act or a public institution of higher education in  
15 this State.

16 Section 10. Free expression on campus.

17 (a) The outdoor areas of campuses of institutions of higher  
18 education shall be deemed traditional public forums.  
19 Institutions of higher education may maintain and enforce  
20 reasonable time, place, and manner restrictions in service of a  
21 significant institutional interest only when such restrictions  
22 employ clear, published, content-neutral, and

1 viewpoint-neutral criteria and provide for ample alternative  
2 means of expression. Any such restrictions shall allow for  
3 members of the higher education community to spontaneously and  
4 contemporaneously assemble.

5 (b) Any person who wishes to engage in noncommercial,  
6 expressive activity on campus shall be permitted to do so  
7 freely, as long as the person's conduct is not unlawful,  
8 subject to subsection (a) of this Section.

9 (c) Nothing in this Section may be interpreted as limiting  
10 the right of student expression elsewhere on campus.

11 Section 50. Enforcement.

12 (a) The following persons may bring an action in a court of  
13 competent jurisdiction to enjoin any violation of this Act or  
14 to recover compensatory damages, reasonable court costs, and  
15 attorney's fees:

16 (1) The Attorney General.

17 (2) Persons whose expressive rights were violated  
18 through the violation of this Act.

19 (b) In an action brought under this Section, if the court  
20 finds a violation, the court shall award the aggrieved person  
21 no less than \$500 for the initial violation, plus \$50 for each  
22 day the violation remains ongoing.

23 (c) A person shall be required to bring suit for violation  
24 of this Act not later than one year after the day the cause of  
25 action accrues. For purposes of calculating the one-year

1 limitation period, each day that the violation persists and  
2 each day that a policy in violation of this Act remains in  
3 effect shall constitute a new violation of this Act and,  
4 therefore, a new day that the cause of action has accrued.

5 Section 90. The Campus Demonstrations Policy Act is amended  
6 by changing Section 2 as follows:

7 (110 ILCS 10/2) (from Ch. 144, par. 226)

8 Sec. 2. The administration of each State-supported  
9 institution of higher learning is responsible for maintaining  
10 decorum and order on the campus of that institution. Any Policy  
11 on Demonstrations of a State-supported institution of higher  
12 learning must comply with the Campus Free Expression Act.

13 (Source: P.A. 90-372, eff. 7-1-98.)

14 Section 99. Effective date. This Act takes effect upon  
15 becoming law.