



Senate Fiscal Agency  
P. O. Box 30036  
Lansing, Michigan 48909-7536

## BILL ANALYSIS



Telephone: (517) 373-5383  
Fax: (517) 373-1986

Senate Bill 349 (as introduced 5-2-17)  
Sponsor: Senator Patrick J. Colbeck  
Committee: Judiciary

Date Completed: 5-16-17

**CONTENT**

**The bill would create the "Campus Free Speech Act" to do the following:**

- **Allow a public institution of higher education to restrict expressive conduct in its public areas only if the restriction met certain conditions.**
- **Allow an individual aggrieved by a violation of the proposed Act or the Attorney General to bring an action, and prescribe the remedies for such an action.**
- **Prescribe a one-year statute of limitations for actions brought under the proposed Act.**

A public institution of higher education (a public community or junior college or a State university) could restrict expressive conduct in the public areas of its campus only if it demonstrated that the restriction met all of the following: a) it was necessary to achieve a compelling governmental interest; b) it was the least restrictive means of furthering that compelling governmental interest; c) it left open ample alternative opportunities to engage in the expressive conduct; and d) it allowed for spontaneous assembly and distribution of literature.

"Expressive conduct" would include all peaceful forms of assembly, protest, speech, distributing literature, carrying signs, and circulating petitions.

An individual aggrieved by a violation of the proposed Act, the Attorney General, or both could bring an action in a court of competent jurisdiction to obtain the following remedies:

- In all cases, reasonable court costs and attorney fees.
- In all cases, injunctive relief as appropriate.
- In a case brought by or on behalf of an aggrieved individual, the individual's actual damages or \$1,000, whichever was greater.

Such an action would have to be commenced within one year after the day that the cause of action accrued. For the purpose of calculating the limitation period, a cause of action would accrue each day that a violation of the Act persisted or a policy in violation of the Act remained in effect.

Legislative Analyst: Jeff Mann

## **FISCAL IMPACT**

The bill would have an indeterminate impact on the State and local units of government (community college districts). Along with compliance costs, costs would depend on the number of potential future actions brought under the bill resulting in damages, attorney fees, court fees, and other related costs.

Fiscal Analyst: Bill Bowerman

SAS\S1718\s349sa

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.