

Amendment to HB 1487

1 Amend the bill by replacing section 1 with the following:

2
3 1 New Chapter; Freedom of Speech and Association. Amend RSA by inserting after chapter
4 188-G the following new chapter:

5 CHAPTER 188-H

6 FREEDOM OF SPEECH AND ASSOCIATION

7 188-H:1 Postsecondary Educational Institutions; Freedom of Speech and Association.

8 I. No public postsecondary educational institution shall make or enforce any rule subjecting
9 any student to disciplinary sanctions solely on the basis of conduct that is speech, association,
10 expression, or other communication that, when engaged in outside the campus or facility of the
11 postsecondary institution, is protected from governmental restriction by the First Amendment to the
12 United States Constitution or Part I, Article 22 of the New Hampshire constitution.

13 II. All campuses of a public postsecondary educational institution shall be open to any
14 speaker who the students or a student group have invited. A public postsecondary educational
15 institution may establish procedures for scheduling facilities and preparing for an event. A public
16 postsecondary educational institution shall make all reasonable efforts and shall make available all
17 reasonable resources to ensure the safety of an invited speaker. A public postsecondary educational
18 institution shall not charge a security fee based on the content of the person or group which has
19 extended an invitation to a speaker or the content of the speech of the invited speaker.

20 III. This section shall not apply to any postsecondary educational institution that is
21 controlled by a religious organization, to the extent that the application of this section would not be
22 consistent with the religious tenets of the organization.

23 IV. Nothing in this section shall be construed to authorize any prior restraint of student
24 speech.

25 V. Nothing in this section prohibits the imposition of discipline for harassment, threats, or
26 intimidation, unless such conduct is constitutionally protected.

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AMENDED ANALYSIS

This bill prohibits public postsecondary educational institutions from disciplining students for engaging in speech, association, or other forms of expression or communication that would be constitutionally protected outside of the college campus.