

**First Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 17-0170.01 Jane Ritter x4342

**SENATE BILL 17-062**

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**SENATE SPONSORSHIP**

**Neville T.**, Baumgardner, Cooke, Crowder, Grantham, Holbert, Jahn, Lundberg, Marble, Priola, Scott, Sonnenberg, Tate

**HOUSE SPONSORSHIP**

**Humphrey**, Catlin, Everett, Leonard, Lundeen, Neville P., Saine, Van Winkle, Williams D., Wilson

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**Senate Committees**

Education

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**A BILL FOR AN ACT**

101      **CONCERNING THE RIGHT TO FREE SPEECH ON CAMPUSES OF PUBLIC**  
102      **INSTITUTIONS OF HIGHER EDUCATION.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)*

The bill prohibits public institutions of higher education from restricting a student's constitutional right to speak in any way in a public forum, including speaking verbally, holding a sign, or distributing flyers or materials. Additionally, a public institution of higher education shall not impose unreasonable restrictions on the time, place, and manner of student speech that occurs in a public forum and is protected by the first

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

amendment. Court actions for violations of the provisions of the bill are allowed and include recovery of reasonable court costs and attorney fees. Public institutions of higher education are prohibited from designating any area on campus as a free speech zone.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2           **SECTION 1.** In Colorado Revised Statutes, **add** 23-5-144 as  
3 follows:

4           **23-5-144. Right to speak in a public forum - court actions -**  
5 **definitions - violations - court actions - free speech zones.** (1) AS USED  
6 IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7           (a) "INSTITUTION OF HIGHER EDUCATION" MEANS A PUBLIC  
8 POSTSECONDARY INSTITUTION.

9           (b) "MEMBERS OF THE COLLEGE OR UNIVERSITY COMMUNITY"  
10 INCLUDES STUDENTS, FACULTY, AND STAFF AT AN INSTITUTION OF HIGHER  
11 EDUCATION, AND ANY INVITED GUESTS.

12           (c) "PUBLIC FORUM", AS APPLIED TO MEMBERS OF THE COLLEGE OR  
13 UNIVERSITY COMMUNITY, INCLUDES BOTH A TRADITIONAL PUBLIC FORUM,  
14 WHICH IS ANY OPEN, OUTDOOR AREA ON THE CAMPUS OF AN INSTITUTION  
15 OF HIGHER EDUCATION, AND A DESIGNATED PUBLIC FORUM, WHICH IS ANY  
16 FACILITY, BUILDING, OR PART OF A BUILDING THAT THE INSTITUTION OF  
17 HIGHER EDUCATION HAS OPENED TO MEMBERS OF THE COLLEGE OR  
18 UNIVERSITY COMMUNITY FOR EXPRESSION.

19           (2) AN INSTITUTION OF HIGHER EDUCATION SHALL NOT RESTRICT  
20 THE CONSTITUTIONAL RIGHT TO SPEAK BY A MEMBER OF THE COLLEGE OR  
21 UNIVERSITY COMMUNITY IN A PUBLIC FORUM. THE RIGHT OF A MEMBER OF  
22 THE COLLEGE OR UNIVERSITY COMMUNITY TO SPEAK INCLUDES SPEAKING  
23 VERBALLY, HOLDING A SIGN, OR DISTRIBUTING FLYERS OR OTHER

1 MATERIALS. AN INSTITUTION OF HIGHER EDUCATION HAS THE RIGHT TO  
2 ALLOW MEMBERS OF THE COLLEGE OR UNIVERSITY COMMUNITY TO  
3 RESERVE TIME AND SPACE IN A PUBLIC FORUM. NOTHING IN THIS SECTION  
4 GRANTS OTHER MEMBERS OF THE COLLEGE OR UNIVERSITY COMMUNITY  
5 THE RIGHT TO DISRUPT PREVIOUSLY SCHEDULED OR RESERVED ACTIVITIES  
6 IN THAT PORTION OR SECTION OF THE PUBLIC FORUM AT THAT SCHEDULED  
7 TIME.

8 (3) AN INSTITUTION OF HIGHER EDUCATION SHALL NOT DESIGNATE  
9 ANY AREA ON CAMPUS AS A FREE SPEECH ZONE. A FREE SPEECH ZONE THAT  
10 EXISTS ON CAMPUS AS OF THE EFFECTIVE DATE OF THIS SECTION SHALL BE  
11 CONVERTED TO A MONUMENT OR MEMORIAL.

12 (4) AN INSTITUTION OF HIGHER EDUCATION SHALL NOT IMPOSE  
13 RESTRICTIONS ON THE TIME, PLACE, AND MANNER OF SPEECH BY A  
14 MEMBER OF THE COLLEGE OR UNIVERSITY COMMUNITY THAT:

- 15 (a) OCCURS IN A PUBLIC FORUM; AND
- 16 (b) IS PROTECTED BY THE FIRST AMENDMENT TO THE UNITED  
17 STATES CONSTITUTION, UNLESS THE RESTRICTIONS:
  - 18 (I) ARE REASONABLE;
  - 19 (II) ARE UNRELATED TO THE SUPPRESSION OF FREE EXPRESSION;
  - 20 (III) ARE JUSTIFIED WITHOUT REFERENCE TO THE CONTENT OF THE  
21 REGULATED SPEECH;
  - 22 (IV) ARE NARROWLY TAILORED TO SERVE A SIGNIFICANT  
23 GOVERNMENTAL INTEREST; AND
  - 24 (V) LEAVE OPEN AMPLE ALTERNATIVE CHANNELS FOR  
25 COMMUNICATION OF THE INFORMATION OR MESSAGE.

26 (5) THE FOLLOWING PERSONS MAY BRING AN ACTION IN A COURT  
27 OF COMPETENT JURISDICTION TO ENJOIN ANY VIOLATION OF THIS SECTION

1 OR TO RECOVER REASONABLE COURT COSTS AND ATTORNEY FEES:

2 (a) THE STATE ATTORNEY GENERAL; OR

3 (b) A A MEMBER OF THE COLLEGE OR UNIVERSITY COMMUNITY

4 WHOSE RIGHT TO SPEECH WAS VIOLATED.

5 (6) IN AN ACTION BROUGHT PURSUANT TO SUBSECTION (5) OF THIS  
6 SECTION, IF THE COURT FINDS THAT A VIOLATION OCCURRED, THE COURT  
7 SHALL AWARD THE AGGRIEVED PARTY INJUNCTIVE RELIEF FOR THE  
8 VIOLATION AND SHALL AWARD REASONABLE COURT COSTS AND ATTORNEY  
9 FEES.

10 (7) A PERSON SHALL BRING AN ACTION PURSUANT TO THIS SECTION  
11 WITHIN ONE CALENDAR YEAR AFTER THE DATE THAT THE VIOLATION  
12 OCCURRED. FOR THE PURPOSES OF CALCULATING THE ONE-YEAR  
13 LIMITATION PERIOD, EACH DAY THAT THE VIOLATION PERSISTS OR EACH  
14 DAY THAT A POLICY IN VIOLATION OF THIS SECTION REMAINS IN EFFECT  
15 CONSTITUTES A NEW VIOLATION OF THIS SECTION AND IS CONSIDERED A  
16 DAY THAT THE CAUSE OF ACTION HAS OCCURRED.

17 **SECTION 2. Act subject to petition - effective date.** This act  
18 takes effect at 12:01 a.m. on the day following the expiration of the  
19 ninety-day period after final adjournment of the general assembly (August  
20 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a  
21 referendum petition is filed pursuant to section 1 (3) of article V of the  
22 state constitution against this act or an item, section, or part of this act  
23 within such period, then the act, item, section, or part will not take effect  
24 unless approved by the people at the general election to be held in  
25 November 2018 and, in such case, will take effect on the date of the  
26 official declaration of the vote thereon by the governor.