



**Colorado
Legislative
Council
Staff**

SB17-062

FISCAL NOTE

FISCAL IMPACT: State Local Statutory Public Entity Conditional No Fiscal Impact

Drafting Number: LLS 17-0170
Prime Sponsor(s): Sen. Neville T.
 Rep. Humphrey

Date: January 24, 2017
Bill Status: Senate Education
Fiscal Analyst: Anna Gerstle (303-866-4375)

BILL TOPIC: STUDENT FREE SPEECH PUBLIC HIGHER ED CAMPUSES

Fiscal Impact Summary	FY 2017-2018	FY 2018-2019
State Revenue		
State Expenditures	Potential increase.	
Appropriation Required: None.		
Future Year Impacts: Potential ongoing increase.		

Summary of Legislation

The bill prohibits an institution of higher education from restricting a student's right to speak in a public forum, including speaking verbally, holding a sign, or distributing materials. Institutions of higher education may not designate an area of campus as a free speech zone and any current free speech zones must be converted to a monument or a memorial.

Institutions of higher education may only restrict the time, place, and manner of student speech if the restrictions are:

- reasonable;
- unrelated to suppressing free expression;
- justified without reference to the content of the restricted speech;
- serving a significant government interest; and
- leaving open alternative ways to communicate the information.

The Attorney General, appropriate district attorney, or student who was subjected to the violation may file suit for relief up to one year after an alleged violation occurred. The court is to award reasonable court costs and attorney fees if it finds that a violation has occurred. The bill specifies that each day the violation occurs or each day a policy that violates SB 17-062 exists is considered a new violation.

Background

The First Amendment to the U.S. Constitution protects freedom of speech and expressive activity, as well as the right to peacefully assemble. The fiscal note assumes that institutions of higher education act in compliance with the First Amendment.

State Expenditures

Beginning in FY 2017-18, the bill may increase costs and workload for institutions of higher education, the Judicial Department, and the Department of Law, as described below. Any increase is expected to be accomplished within existing appropriations.

Institutions of higher education. The bill may increase workload or expenditures for institutions of higher education to convert any existing free speech zones to memorials or monuments, or to adjust operations to accommodate expressive activities in areas on campus where such events are not typically held. To the extent that the bill increases litigation related to First Amendment rights, the bill may also increase legal costs for institutions of higher education. The increase in costs or workload has not been estimated.

Judicial Department. To the extent that individuals file claims related to unreasonable restrictions on their freedom of speech, the bill increases the workload in trial courts in the Judicial Department. The fiscal note assumes that institutions of higher education abide by the First Amendment; however, any increase in workload has not been estimated.

Department of Law. To the extent that the bill increases litigation related to First Amendment rights, the bill may increase the workload for the Department of Law. Any impact is expected to be accomplished within existing appropriations; however, should additional resources be required, the department will request them through the annual budget process.

Effective Date

The bill takes effect August 9, 2017, if the General Assembly adjourns on May 10, 2017, as scheduled, and no referendum petition is filed.

State and Local Government Contacts

District Attorneys Higher Education Judicial Law