

RÉSUMÉ DIGEST

ACT 727 (HB 185)

2022 Regular Session

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Existing law requires public postsecondary education management boards to adopt policies on free expression, including prohibiting protests and demonstrations that, by creating a "substantial and material disruption", infringe upon the constitutional rights of others to engage in or listen to expressive activity.

New law provides a definition for "substantial and material disruption", which is when a person, with the intent and knowledge of doing so, significantly hinders expressive activity; prevents the communication of the message; or prevents the transaction of the business of a lawful meeting, gathering, or procession by engaging in fighting, violence, or similar unlawful behavior or physically blocking or using threats of violence to prevent any person from attending, listening to, viewing, or otherwise participating in an expressive activity.

New law further:

- (1) Provides that no conduct shall be deemed a material and substantial disruption that is protected under the federal or state constitution.
- (2) Authorizes institutions to require a permit as a condition of being granted exclusive control of a location at a reserved time for expressive activity and to charge security fees for the permit.
- (3) Requires institutions to prohibit student-on-student discriminatory harassment.
- (4) Provides that new law does not prevent institutions from:
 - (a) Responding through nonpunitive actions to student expression that does not qualify as student-on-student discriminatory harassment.
 - (b) Maintaining policies prohibiting stalking or other criminal activity.

Effective August 1, 2022.

(Amends R.S. 17:3399.31, 3399.32(E), and 3399.35(3) and (5); Adds R.S. 17:3399.32(F) and (G) and 3399.38)