

2024 Regular Session

SENATE BILL NO. 294

BY SENATOR HODGES

STUDENTS. Confirms the protections of free speech and First Amendment protected activities on college and university campuses. (gov sig)

1 AN ACT

2 To amend and reenact the heading of Part XIV of Chapter 26 of Title 17 of the Louisiana
3 Revised Statutes of 1950, and R.S. 17:3399.31(1), (2), and (5), 3399.32(A), and
4 3399.33, relative to free speech and First Amendment protected activities on the
5 campuses of public postsecondary education institutions; to provide with respect to
6 constitutionally protected activities; to provide with respect to free speech; to provide
7 with respect to lawful assembly; to provide with respect to religious liberty; to
8 provide with respect to religious or faith-based student organizations; to provide with
9 respect to the election of officers, choice of leaders, or acceptance of members of a
10 religious and faith-based student organizations; to prohibit protections for activities
11 conducted by organizations that have been designated as a foreign terrorist
12 organization by the federal government; to prohibit protections for activities that are
13 in violation of criminal law; to provide for definitions; to provide for exclusions; to
14 provide for an effective date; and to provide for related matters.

15 Be it enacted by the Legislature of Louisiana:

16 Section 1. The heading of Part XIV of Chapter 26 of Title 17 of the Louisiana
17 Revised Statutes of 1950 and R.S. 17:3399.31(1), (2), and (5), 3399.32(A), and 3399.33 are

1 hereby amended and reenacted to read as follows:

2 **PART XIV. ~~CAMPUS FREE EXPRESSION~~ SPEECH AND FIRST**

3 **AMENDMENT PROTECTED ACTIVITIES ON CAMPUSES**

4 §3399.31. Definitions

5 As used in this Part, the following terms have the following meanings unless
6 the context clearly indicates otherwise:

7 (1) "**Free speech and First Amendment** ~~Expressive protected~~ activities"
8 include but are not limited to any lawful verbal or written means by which
9 individuals or groups communicate ideas to one another, as provided by the First
10 Amendment of the Constitution of the United States of America and by **Article I,**
11 **Section 7 of** the Constitution of Louisiana, including all forms of peaceful assembly,
12 **lawful** protest, speech, distribution of literature, carrying signs, and circulating
13 petitions. This "**Free speech" and "First Amendment protected activities"**
14 expressly excludes **all of the following:**

15 (a) ~~commercial~~ **Commercial** activities ~~where~~ **in which** individuals or groups
16 are being compensated or attempting to advertise, market, or accrue financial gain
17 to any individual, corporation, business, or organization.

18 (b) **Activities in which an individual or group is being monetarily funded**
19 **or organized by any individual, corporation, business, or organization that has**
20 **been designated as a foreign terrorist organization by the United States**
21 **Department of State, pursuant to 8 U.S. Code § 1189.**

22 (c) **Any criminal activity which is prohibited under Title 14 of the**
23 **Louisiana Revised Statutes of 1950 or any other provision of state law with**
24 **criminal penalties.**

25 (2) "Material and substantial disruption" means when a person, with the
26 intent and knowledge of doing so, significantly hinders ~~expressive activity~~ **free**
27 **speech and First Amendment protected activities,** prevents the communication of
28 the message, or prevents the transaction of the business of a lawful meeting,
29 gathering, or procession by either of the following:

1 (a) Engaging in ~~fighting~~ **assault, battery, attempted assault**, violence, or
2 similar unlawful behavior **in violation of Title 14 of the Louisiana Revised**
3 **Statutes of 1950 or any other provision of state law with criminal penalties.**

4 (b) Physically blocking or using threats of violence to prevent any person
5 from attending, listening to, viewing, or otherwise participating in ~~an expressive~~
6 **activity a free speech and First Amendment protected activity.**

7 * * *

8 (5) "Student-on-student discriminatory harassment" means unwelcome
9 conduct that targets a victim on the basis of **sex, race, or religion or because the**
10 **victim is a member of** a class protected ~~under~~ **pursuant to** federal; or state; **law,** or
11 **in violation of a** local ~~law~~ **ordinance** and that is so severe, pervasive, and
12 objectively offensive and so undermines and detracts from the victim's educational
13 experience that the victim is effectively denied equal access to an institution's
14 resources and opportunities.

15 * * *

16 §3399.32. ~~Expressive~~ **Free speech and First Amendment protected** activities;
17 public postsecondary education institutions; protected

18 A. ~~Expressive~~ **Free speech and First Amendment protected** activities at
19 public postsecondary education institutions by students, administrators, faculty
20 members, staff members, and invited guests are protected, **pursuant to the First**
21 **Amendment of the Constitution of the United States of America and Article I,**
22 **Section 7 of the Constitution of Louisiana.**

23 * * *

24 §3399.33. Freedom of association; **religious liberty; faith-based** student
25 organizations

26 **A.** No public postsecondary education institution shall deny a ~~belief-based~~
27 **religious or faith-based** student organization any benefit or privilege available to
28 any other student organization, or otherwise discriminate against a ~~belief-based~~
29 **faith-based** organization, based on the ~~expression~~ **religious beliefs** of the

1 organization, including any requirement that the,

2 **B. No public postsecondary education institution shall engage in**
3 **discrimination on the basis of religion against any officers,** leaders or members of the
4 **religious or faith-based organization in a manner that does any of the following:**

5 (1) ~~Affirm and adhere to~~ **Restricts** the organization's sincerely held **religious**
6 **beliefs or the beliefs of the faith-based organization.**

7 (2) ~~Comply~~ **Restricts compliance** with the organization's standards of
8 conduct.

9 (3) ~~Further~~ **Restricts** the organization's mission or purpose, as defined by the
10 organization.

11 **(4) Requires the organization to accept elected officers, choose leaders,**
12 **or accept members who are not members of the same religion.**

13 Section 2. The Louisiana State Law Institute, pursuant to its statutory authority, is
14 hereby authorized and directed to make technical changes by changing the term "expressive
15 activities" to "free speech and First Amendment protected activities" contained in Part XIV
16 of Chapter 26 of Title 17 of the Louisiana Revised Statutes of 1950, and comprised of R.S.
17 17:3399.31 through 3399.38.

18 Section 2. This Act shall become effective upon signature by the governor or, if not
19 signed by the governor, upon expiration of the time for bills to become law without signature
20 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
21 vetoed by the governor and subsequently approved by the legislature, this Act shall become
22 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Carla S. Roberts.

DIGEST

SB 294 Original 2024 Regular Session Hodges

Present law provides protections for free expression on public college and university campuses.

Proposed law retains present law but clarifies that free expression is the free speech and protected activities guaranteed by the First Amendment of the U.S. Constitution and the La. Constitution.

Present law defines "expressive activities" as any lawful verbal or written means by which individuals or groups communicate ideas to one another, as provided by the First Amendment of the U.S. Constitution or the La. Constitution, including all forms of peaceful assembly, protest, distribution of literature, carrying signs, and circulating petitions. The definition of "expressive activities" expressly excludes commercial activities.

Proposed law retains present law but changes the term from "expressive activities" to "free speech and First Amendment protected activities".

Present law, as it relates to the enhanced protections on campuses found in present law, excludes commercial activities when individuals or groups are being compensated or attempting to advertise, market, or accrue financial gain to any individual, corporation, business, or organization.

Proposed law retains present law but also excludes the following:

- (1) Activities in which an individual or group is being monetarily funded or organized by any individual, corporation, business, or organization that has been designated as a foreign terrorist organization by the U.S. Dept. of State.
- (2) Any criminal activity which is prohibited by state law.

Present law provides with respect to freedom of association and provides that a public college or university cannot deny a belief-based student organization any benefit or privilege available to any other student organization. Present law further provides that no public postsecondary education institution shall deny a belief-based student organization any benefit or privilege available to any other student organization, or otherwise discriminate against a belief-based organization, based on the expression of the organization, including any requirement that the leaders or members of the organization:

- (1) Affirm and adhere to the organization's sincerely held beliefs.
- (2) Comply with the organization's standards of conduct.
- (3) Further the organization's mission or purpose, as defined by the organization.

Proposed law retains present law but changes the term from "belief-based student organization" to "religious or faith-based student organization".

Proposed law retains present law but provides that no public college or university is allowed to engage in discrimination on the basis of religion against any officers, leaders or members of the religious or faith-based organization in a manner that does any of the following:

- (1) Restricts the organization's sincerely held religious beliefs or the beliefs of the faith-based organization.
- (2) Requires the organization accept elect officers, choose leaders, or accept members who are not members of the same religion.

Proposed law directs the La. State Law Institute to make technical changes.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 17:3399.31(1), (2) and (5), 3399.32(A), and 3399.33)