

HB0298S01 compared with HB0298

~~text~~ shows text that was in HB0298 but was deleted in HB0298S01.

Inserted text shows text that was not in HB0298 but was inserted into HB0298S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Norman K Thurston proposes the following substitute bill:

FREE EXPRESSION REGULATION BY LOCAL GOVERNMENT

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Norman K Thurston

Senate Sponsor: _____

LONG TITLE

General Description:

This bill addresses local government regulation of free expression.

Highlighted Provisions:

This bill:

- ▶ requires that a political subdivision pass an ordinance to impose a generally applicable time, place, or manner restriction on free expression and include a statement regarding the constitutional justification for the restriction;
- ▶ requires that a political subdivision ensure that a generally or individually applicable time, place, or manner restriction on free expression~~;~~

_____ ~~;~~ complies with certain constitutional requirements; and

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~~{ includes a statement regarding the constitutional justification for the restriction; and~~

~~{~~ ▶ prohibits a political subdivision from prohibiting political activities outside a public building.

Money Appropriated in this Bill:

None

Other Special Clauses:

~~{ None}~~ This bill provides a special effective date.

Utah Code Sections Affected:

ENACTS:

11-55-101, Utah Code Annotated 1953

11-55-102, Utah Code Annotated 1953

11-55-103, Utah Code Annotated 1953

11-55-104, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **11-55-101** is enacted to read:

CHAPTER 55. FREE EXPRESSION REGULATION BY LOCAL GOVERNMENT ACT

11-55-101. Title.

This chapter is known as the "Free Expression Regulation by Local Government Act."

Section 2. Section **11-55-102** is enacted to read:

11-55-102. Definitions.

As used in this chapter:

(1) "Generally applicable time, place, or manner restriction" means an ordinance, policy, practice, or other action that:

- (a) ~~by its clear language and intent,~~ restricts or infringes on free expression;
- (b) ~~the political subdivision}~~ applies generally to any person; and
- (c) is not an individually applicable time, place, or manner restriction.

(2) (a) "Individually applicable time, place, or manner restriction" means a policy, practice, or other action that a political subdivision applies:

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(i) on a case-by-case basis;

(ii) to a specifically identified person or group of persons; and

(iii) regarding a specifically identified place and time.

(b) "Individually applicable time, place, or manner restriction" includes a restriction placed on free expression as a condition to obtain a permit.

(3) (a) "Political subdivision" means a county, city, town, or school district.

(b) "Political subdivision" does not mean a local district under Title 17B, Limited Purpose Local Government Entities - Local Districts, or a special service district under Title 17D, Chapter 1, Special Service District Act.

(4) (a) "Public building" means a building or permanent structure that is:

(i) owned, leased, or occupied by a political subdivision or a subunit of a political subdivision; and

(ii) used for public education or political subdivision activities.

(b) "Public building" does not mean a building owned or leased by a local government entity when the building is used by a person, in whole or in part, for a private function.

Section 3. Section **11-55-103** is enacted to read:

11-55-103. Time, place, and manner restrictions -- Generally applicable restrictions by ordinance.

(1) A political subdivision shall ensure that each generally applicable or individually applicable time, place, or manner restriction on free expression:

(a) is narrowly tailored to serve an important governmental interest;

(b) is unrelated to the suppression of a particular message or the content of the expression that the restriction addresses; and

(c) leaves open ample alternative means for expression ~~;~~ and;

~~{~~ (d) includes a statement explaining how the restriction meets the constitutional requirements described in Subsections (1)(a) through (c).

~~†~~ (2) A political subdivision may not impose a generally applicable time, place, or manner restriction on free expression unless the political subdivision:

(a) imposes the restriction by ordinance; and

(b) makes a finding explaining how the restriction meets the constitutional requirements described in Subsection (1).

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(3) Before imposing an individually applicable time, place, or manner restriction, a political subdivision shall determine whether the restriction meets the constitutional requirements described in Subsection (1).

Section 4. Section **11-55-104** is enacted to read:

11-55-104. Political activity outside a public building.

(1) ~~†A†~~ Except as provided in Title 20A, Election Code, a political subdivision may not prohibit a political activity, including signature gathering, outside a public building or on the grounds of a public building.

(2) A political subdivision may impose a time, place, or manner restriction on political activities outside a public building in accordance with Section 11-55-103.

†

Legislative Review Note

~~Office of Legislative Research and General Counsel†~~

Section 5. Effective date.

This bill takes effect on May 8, 2018.