

SECOND REGULAR SESSION

# SENATE BILL NO. 1172

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR WASHINGTON.

4327S.011

KRISTINA MARTIN, Secretary

## AN ACT

To amend chapters 171 and 173, RSMo, by adding thereto two new sections relating to student journalists.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapters 171 and 173, RSMo, are amended by  
2 adding thereto two new sections, to be known as sections 171.200  
3 and 173.1551, to read as follows:

171.200. 1. This section and section 173.1551 shall  
2 be known and may be cited as the "Cronkite New Voices Act".

3 2. As used in this section, the following terms mean:

4 (1) "School-sponsored media", any material that is  
5 prepared, substantially written, published, or broadcast by  
6 a student journalist at a public high school; distributed or  
7 generally made available to members of the student body; and  
8 prepared under the direction of a student-media advisor.  
9 "School-sponsored media" does not include any media intended  
10 for distribution or transmission solely in the classroom in  
11 which the media is produced;

12 (2) "Student journalist", a public high school student  
13 who gathers, compiles, writes, edits, photographs, records,  
14 produces, or prepares content for dissemination in school-  
15 sponsored media;

16           (3) "Student-media advisor", an individual employed,  
17 appointed, or designated by a school district to supervise  
18 or provide instruction relating to school-sponsored media.

19           3. Subject to the provisions of this section, the  
20 freedom of the press in school-sponsored media shall be  
21 protected. A student journalist has the right to exercise  
22 freedom of speech and of the press in school-sponsored  
23 media. Material in school-sponsored media shall not be  
24 suppressed solely because it involves political or  
25 controversial subject matter.

26           4. School districts and student-media advisors may  
27 regulate the number, length, frequency, and format of school-  
28 sponsored media. Review of material prepared for school-  
29 sponsored media and encouragement of the expression of such  
30 material in a manner that is consistent with professional  
31 standards of English and journalism shall not be deemed to  
32 be or construed as an abridgement of the right to freedom of  
33 expression in school-sponsored media or a restraint on  
34 publication of the material therein.

35           5. A school district shall not authorize any prior  
36 restraint of any school-sponsored media except if the  
37 administration or student-media advisor reasonably  
38 determines or anticipates that the media:

- 39           (1) Is libelous or slanderous;  
40           (2) Constitutes an invasion of privacy;  
41           (3) Violates federal or state law;  
42           (4) Is a threat of violence;  
43           (5) Advertises a product or service that is illegal or  
44 is not permitted to be sold to minors by law;  
45           (6) Violates the rights of others;  
46           (7) Is likely to incite students to commit an unlawful  
47 act or to violate school district policy or procedure; or

48           (8) Is likely to materially and substantially disrupt  
49 or interfere with the orderly operation of the school.

50           6. Subject to the limitations imposed by this section,  
51 student journalists are responsible for determining the  
52 news, opinion, and advertising content of school-sponsored  
53 media. Student-media advisors are responsible for teaching  
54 and encouraging free and responsible expression of material  
55 and professional standards of English and journalism. No  
56 student-media advisor shall be disciplined, terminated from  
57 employment, transferred, or relieved of duties imposed under  
58 this subsection for refusal to abridge or infringe upon the  
59 right to freedom of expression conferred by this section.

60           7. No publication or other expression of matter by  
61 students in the exercise of rights under this section shall  
62 be deemed to be an expression of a school district's  
63 policy. No school district, member of the board of  
64 education, student-media advisor, or employee of a school  
65 district shall be held liable in any civil or criminal  
66 action for any publication or other expression of matter by  
67 student journalists in the exercise of rights under this  
68 section except to the extent that such persons or entities  
69 actively participated in the conduct that is the subject of  
70 the civil or criminal action or knew of the conduct and  
71 failed to take timely action to prevent or withdraw such  
72 publication or expression that is the subject of the civil  
73 or criminal action. A student journalist who has attained  
74 the age of majority may be held liable in any civil or  
75 criminal action for material expressed in student  
76 publications to the extent of such student journalist's  
77 responsibility for and involvement in the preparation and  
78 publication of such matter.

79           8. Each school district shall adopt a written policy  
80 regarding the freedom of the press and expression by  
81 students in accordance with this section. The policy shall  
82 include reasonable provisions for the time, place, and  
83 manner of student expression. The policy may also include  
84 limitations regarding language that may be defined as  
85 vulgar, obscene, offensively lewd, profane, harassing,  
86 threatening, or intimidating.

          173.1551. 1. As used in this section, the following  
2 terms mean:

3           (1) "School-sponsored media", any material that is  
4 prepared, substantially written, published, or broadcast by  
5 a student journalist at a public institution of higher  
6 education in this state; distributed or generally made  
7 available to members of the student body; and prepared under  
8 the direction of a student-media advisor. "School-sponsored  
9 media" does not include any media intended for distribution  
10 or transmission solely in the classroom in which the media  
11 is produced;

12           (2) "Student journalist", a student of a public  
13 institution of higher education who gathers, compiles,  
14 writes, edits, photographs, records, produces, or prepares  
15 content for dissemination in school-sponsored media;

16           (3) "Student-media advisor", an individual employed,  
17 appointed, or designated by a public institution of higher  
18 education in this state to supervise or provide instruction  
19 relating to school-sponsored media.

20           2. Subject to the provisions of this section, the  
21 freedom of the press in school-sponsored media shall be  
22 protected. A student journalist has the right to exercise  
23 freedom of speech and of the press in school-sponsored  
24 media. Material in school-sponsored media shall not be

25 suppressed solely because it involves political or  
26 controversial subject matter.

27 3. Subject to subsection 4 of this section, a student  
28 journalist is responsible for determining the news, opinion,  
29 feature, and advertising content of school-sponsored media.  
30 This subsection shall not be construed to prevent a student-  
31 media advisor from teaching professional standards of  
32 English and journalism to student journalists.

33 4. This section does not authorize or protect  
34 expression by a student that:

- 35 (1) Is libelous or slanderous;
- 36 (2) Constitutes an invasion of privacy;
- 37 (3) Violates federal or state law;
- 38 (4) Is likely to incite students to commit an unlawful  
39 act or to violate institution policy or procedure; or
- 40 (5) Is likely to materially and substantially disrupt  
41 or interfere with the orderly operation of the institution.

42 5. Except as provided in subsection 4 of this section,  
43 a student journalist at a public institution of higher  
44 education in this state shall not be disciplined for  
45 exercising such student journalist's freedom of expression  
46 in school-sponsored media.

47 6. A student-media advisor at a public institution of  
48 higher education in this state shall not be dismissed,  
49 suspended, disciplined, reassigned, transferred, or  
50 otherwise retaliated against for protecting or refusing to  
51 infringe on the rights of student journalists outlined in  
52 this section.

53 7. No publication or other expression of matter by  
54 students in the exercise of rights under this section shall  
55 be deemed to be an expression of an institution's policy.  
56 No public institution of higher education or member of the

57 institution's governing body or employee thereof shall be  
58 held liable in any civil or criminal action for any  
59 publication or other expression of matter by student  
60 journalists in the exercise of rights under this section  
61 except to the extent that such persons or entities actively  
62 participated in the conduct that is the subject of the civil  
63 or criminal action.

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