

HOUSE BILL 1078

P1, P3

1lr1582

By: **Delegates Rosenberg and Smigiel**
Introduced and read first time: February 11, 2011
Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **State Government – Expressive Activity on State Property – Regulations**

3 FOR the purpose of requiring, on or before a certain date, a department or
4 independent unit that owns or manages outdoor property to adopt certain
5 regulations that ensure that an individual is able to engage in expressive
6 activity on the property; defining certain terms; and generally relating to
7 regulations regarding expressive activity on State property.

8 BY adding to

9 Article – State Government
10 Section 8–505
11 Annotated Code of Maryland
12 (2009 Replacement Volume and 2010 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article – State Government**

16 **8–505.**

17 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
18 MEANINGS INDICATED.

19 (2) “DEPARTMENT” MEANS A PRINCIPAL DEPARTMENT OF THE
20 EXECUTIVE BRANCH OF STATE GOVERNMENT.

21 (3) “EXPRESSIVE ACTIVITY” MEANS ANY ACTIVITY THAT IS
22 PROTECTED UNDER THE FIRST AMENDMENT OF THE UNITED STATES
23 CONSTITUTION OR ARTICLE 40 OF THE MARYLAND DECLARATION OF RIGHTS.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 **(4) “INDEPENDENT UNIT” MEANS A UNIT IN THE EXECUTIVE**
2 **BRANCH OF STATE GOVERNMENT THAT IS NOT IN A DEPARTMENT.**

3 **(B) ON OR BEFORE OCTOBER 1, 2011, A DEPARTMENT OR AN**
4 **INDEPENDENT UNIT THAT OWNS OR MANAGES OUTDOOR PROPERTY SHALL**
5 **ADOPT REGULATIONS THAT, TO THE GREATEST EXTENT PRACTICABLE, ENSURE**
6 **THAT AN INDIVIDUAL IS ABLE TO ENGAGE IN AN EXPRESSIVE ACTIVITY ON THE**
7 **PROPERTY.**

8 **(C) REGULATIONS ADOPTED UNDER SUBSECTION (B) OF THIS SECTION:**

9 **(1) MAY ESTABLISH ONLY CONTENT- AND VIEWPOINT-NEUTRAL**
10 **TIME, PLACE, AND MANNER RESTRICTIONS;**

11 **(2) MAY NOT:**

12 **(I) EXCEPT AS PROVIDED IN ITEM (3) OF THIS SUBSECTION,**
13 **MAKE THE PROPERTY UNAVAILABLE FOR AN EXPRESSIVE ACTIVITY;**

14 **(II) IMPOSE ANY FINANCIAL BURDEN ON AN INDIVIDUAL**
15 **WHO WOULD ENGAGE IN AN EXPRESSIVE ACTIVITY ON THE PROPERTY;**

16 **(III) EXCEPT AS PROVIDED IN ITEM (3) OF THIS SUBSECTION,**
17 **REQUIRE AN INDIVIDUAL TO OBTAIN A PERMIT TO ENGAGE IN AN EXPRESSIVE**
18 **ACTIVITY ON THE PROPERTY;**

19 **(IV) PROHIBIT THE USE OF SOUND AMPLIFICATION ON THE**
20 **PROPERTY;**

21 **(V) PROHIBIT AN INDIVIDUAL FROM DISTRIBUTING**
22 **LEAFLETS OR ANY OTHER INFORMATIONAL MATERIAL OR FROM GATHERING**
23 **PETITION SIGNATURES ON THE PROPERTY; AND**

24 **(VI) PROHIBIT OR REQUIRE A SPECIAL PERMIT FOR**
25 **SOLICITING CONTRIBUTIONS AS PART OF, OR IN CONJUNCTION WITH, AN**
26 **EXPRESSIVE ACTIVITY THAT OCCURS ON THE PROPERTY;**

27 **(3) MAY MAKE THE PROPERTY UNAVAILABLE FOR AN EXPRESSIVE**
28 **ACTIVITY OR MAY REQUIRE AN INDIVIDUAL TO OBTAIN A PERMIT TO ENGAGE IN**
29 **AN EXPRESSIVE ACTIVITY ON THE PROPERTY IF THE REGULATIONS INCLUDE A**
30 **SUFFICIENT JUSTIFICATION FOR DOING SO;**

1 **(4) MAY REQUIRE THAT THE USE OF SOUND AMPLIFICATION ON**
2 **THE PROPERTY COMPLY WITH ANY APPLICABLE NOISE ORDINANCE; AND**

3 **(5) SHALL MAKE ACCOMMODATIONS FOR AN EXPRESSIVE**
4 **ACTIVITY AIMED AT RESPONDING TO AN IMMINENT EVENT OR ISSUE RAISED BY**
5 **AN UNFORESEEN EVENT.**

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 June 1, 2011.