

HOUSE BILL 1322

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6lr2069

By: **Delegates Grammer, Arikan, Chisholm, Fisher, M. Morgan, Nawrocki, and Szeliga**

Introduced and read first time: February 12, 2026

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Higher Education – Freedom of Expression on Campus – Protection**
3 **(Maryland Campus Area Free Expression Act)**

4 FOR the purpose of specifying that certain areas on campuses of public institutions of
5 higher education are public forums subject to certain restrictions and requirements;
6 authorizing members of the campus community to engage in certain expressive
7 activity on campus; authorizing the Attorney General or a person aggrieved by a
8 certain violation to bring an action against a public institution of higher education
9 and certain employees; requiring a court to grant a certain award if it finds that a
10 certain violation has occurred; authorizing a court to grant certain relief if the court
11 finds that a certain violation has occurred; requiring an aggrieved person to bring an
12 action within a certain period of time; and generally relating to the protection of free
13 expression on the campuses of public institutions of higher education.

14 BY adding to

15 Article – Education

16 Section 15–141

17 Annotated Code of Maryland

18 (2022 Replacement Volume and 2025 Supplement)

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

21 **Article – Education**

22 **15–141.**

23 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
24 **INDICATED.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) “CAMPUS COMMUNITY” MEANS THE STUDENTS,**
2 **ADMINISTRATORS, FACULTY, STAFF, AND INVITED GUESTS OF A PUBLIC**
3 **INSTITUTION OF HIGHER EDUCATION.**

4 **(3) (I) “EXPRESSIVE ACTIVITY” MEANS ANY LAWFUL ORAL,**
5 **WRITTEN, AUDIO-VISUAL, OR ELECTRONIC MEANS BY WHICH INDIVIDUALS**
6 **COMMUNICATE IDEAS TO ONE ANOTHER.**

7 **(II) “EXPRESSIVE ACTIVITY” INCLUDES PEACEFUL ASSEMBLY,**
8 **PROTESTS, SPEECHES, THE DISTRIBUTION OF LITERATURE, CARRYING SIGNS,**
9 **CIRCULATING PETITIONS, AND AUDIO-VISUAL RECORDING AND PUBLICATION.**

10 **(B) (1) ANY OUTDOOR AREA LOCATED ON ANY CAMPUS OF A PUBLIC**
11 **INSTITUTION OF HIGHER EDUCATION SHALL BE CONSIDERED A PUBLIC FORUM FOR**
12 **MEMBERS OF THE CAMPUS COMMUNITY.**

13 **(2) A PUBLIC INSTITUTION OF HIGHER EDUCATION MAY NOT**
14 **DESIGNATE ANY AREA OF ITS CAMPUS AS A “FREE SPEECH ZONE” OR OTHERWISE**
15 **CREATE POLICIES TO RESTRICT EXPRESSIVE ACTIVITIES TO A PARTICULAR AREA OF**
16 **CAMPUS.**

17 **(C) A PUBLIC INSTITUTION OF HIGHER EDUCATION MAY MAINTAIN AND**
18 **ENFORCE TIME, PLACE, AND MANNER RESTRICTIONS ON EXPRESSIVE ACTIVITY IN**
19 **THE PUBLICLY ACCESSIBLE OUTDOOR AREAS OF CAMPUS AND IN INDOOR**
20 **LOCATIONS THAT THE INSTITUTION HAS OPENED FOR EXPRESSIVE ACTIVITY ONLY**
21 **IF THE RESTRICTIONS ARE:**

22 **(1) REASONABLE;**

23 **(2) IN FURTHERANCE OF A SIGNIFICANT INSTITUTIONAL INTEREST;**

24 **(3) EMPLOY CLEAR, PUBLISHED, CONTENT- AND**
25 **VIEWPOINT-NEUTRAL CRITERIA;**

26 **(4) PROVIDE FOR AMPLE ALTERNATIVE MEANS OF EXPRESSION; AND**

27 **(5) ALLOW FOR MEMBERS OF THE CAMPUS COMMUNITY TO**
28 **SPONTANEOUSLY AND CONTEMPORANEOUSLY ASSEMBLE AND DISTRIBUTE**
29 **LITERATURE.**

30 **(D) (1) SUBJECT TO THE REQUIREMENTS OF SUBSECTION (C) OF THIS**
31 **SECTION, A MEMBER OF THE CAMPUS COMMUNITY MAY ENGAGE IN**

1 NONCOMMERCIAL EXPRESSIVE ACTIVITY FREELY ON CAMPUS PROVIDED THAT THE
2 CAMPUS MEMBER'S CONDUCT AND DOES NOT MATERIALLY AND SUBSTANTIALLY
3 DISRUPT THE FUNCTIONING OF THE INSTITUTION.

4 (2) A MEMBER OF THE CAMPUS COMMUNITY MAY NOT ENGAGE IN
5 CONDUCT, WITH THE INTENT TO OR KNOWLEDGE OF DOING SO, THAT, MATERIALLY
6 AND SUBSTANTIALLY DISRUPTS ANOTHER INDIVIDUAL'S OR GROUP'S EXPRESSIVE
7 ACTIVITY, PREVENTS THE COMMUNICATION OF THE MESSAGE OR PREVENTS THE
8 TRANSACTION OF THE BUSINESS OF A LAWFUL MEETING, GATHERING, OR
9 PROCESSION BY:

10 (I) ENGAGING IN FIGHTING, VIOLENCE, OR SERIOUSLY
11 DISRUPTIVE BEHAVIOR; OR

12 (II) PHYSICALLY BLOCKING OR SIGNIFICANTLY HINDERING
13 ANOTHER INDIVIDUAL'S ABILITY TO ATTEND, LISTEN TO, VIEW, OR PARTICIPATE IN
14 AN EXPRESSIVE ACTIVITY.

15 (3) NOTHING IN THIS SUBSECTION MAY BE CONSTRUED TO INCLUDE
16 CONDUCT THAT IS PROTECTED UNDER THE FIRST AMENDMENT OF THE U.S.
17 CONSTITUTION OR ARTICLE 40 OF THE DECLARATION OF RIGHTS OF THE
18 MARYLAND CONSTITUTION, INCLUDING:

19 (I) LAWFUL PROTESTS AND COUNTER PROTESTS IN THE
20 OUTDOOR AREAS OF CAMPUS THAT ARE GENERALLY ACCESSIBLE TO THE MEMBERS
21 OF THE PUBLIC, PROVIDED THAT THOSE AREAS WERE NOT RESERVED IN ADVANCE
22 FOR OTHER EVENTS; AND

23 (II) MINOR, BRIEF, OR FLEETING NONVIOLENT DISRUPTIONS
24 OF EVENTS THAT ARE ISOLATED AND SHORT IN DURATION.

25 (E) (1) A PUBLIC INSTITUTION OF HIGHER EDUCATION MAY REQUIRE A
26 PERMIT FROM ANY INDIVIDUAL OR GROUP AS A CONDITION OF BEING GRANTED
27 EXCLUSIVE CONTROL OF A LOCATION FOR ITS EXPRESSIVE ACTIVITY AT A RESERVED
28 TIME.

29 (2) THE PERMITTING PROCESS MAY NOT BE OVERLY BURDENSOME.

30 (3) APPLICATIONS FOR PERMITS SHALL BE EVALUATED SOLELY
31 USING PUBLISHED CONTENT- AND VIEWPOINT-NEUTRAL CRITERIA.

32 (F) (1) SUBJECT TO PARAGRAPHS (2) THROUGH (4) OF THIS
33 SUBSECTION, A PUBLIC INSTITUTION OF HIGHER EDUCATION MAY CHARGE

1 SECURITY FEES AS PART OF AN APPLICATION FOR EXPRESSIVE ACTIVITIES THAT
2 REQUIRE A PERMIT.

3 (2) A PUBLIC INSTITUTION OF HIGHER EDUCATION MAY NOT CHARGE
4 SECURITY FEES BASED ON THE CONTENT OF EXPRESSION OR THE ANTICIPATED
5 REACTION TO THE EXPRESSION.

6 (3) WHETHER A SECURITY FEE IS REQUIRED AND THE AMOUNT OF
7 THE SECURITY FEE SHALL BE DETERMINED BASED ON CONTENT- AND
8 VIEWPOINT-NEUTRAL CRITERIA, INCLUDING THE TIME OF THE EVENT, THE
9 LOCATION OF THE EVENT, THE ANTICIPATED SIZE OF THE INVITED AUDIENCE, AND
10 WHETHER ALCOHOL WILL BE SERVED.

11 (4) A PUBLIC INSTITUTION OF HIGHER EDUCATION THAT CHARGES
12 SECURITY FEES SHALL PUBLISH THE CRITERIA USED TO ASSESS THE FEES.

13 (G) A PUBLIC INSTITUTION OF HIGHER EDUCATION MAY PROVIDE
14 RESOURCES TO STUDENTS THAT ARE AFFECTED BY SPEECH THAT CANNOT BE
15 SANCTIONED UNDER THE FIRST AMENDMENT TO THE U.S. CONSTITUTION,
16 ARTICLE 40 OF THE DECLARATION OF RIGHTS OF THE MARYLAND CONSTITUTION,
17 OR THIS SECTION, AND MAY TAKE OTHER NONPUNITIVE ACTIONS THAT FOSTER
18 RESILIENCE OR ACHIEVE PEDAGOGICAL GOALS.

19 (H) (1) THE ATTORNEY GENERAL OR ANY PERSON AGGRIEVED BY A
20 VIOLATION OF THIS SECTION MAY BRING AN ACTION AGAINST A PUBLIC
21 INSTITUTION OF HIGHER EDUCATION AND ANY OF ITS EMPLOYEES ACTING IN THEIR
22 OFFICIAL CAPACITIES WHO ARE RESPONSIBLE FOR THE VIOLATION.

23 (2) (I) IF A COURT FINDS THAT A PUBLIC INSTITUTION OF HIGHER
24 EDUCATION OR ANY OF ITS EMPLOYEES ACTING IN THEIR OFFICIAL CAPACITIES
25 VIOLATED THIS SECTION, THE COURT SHALL ISSUE AN AWARD TO THE AGGRIEVED
26 INDIVIDUAL OF:

27 1. \$500 OR GREATER FOR THE INITIAL VIOLATION;

28 2. \$50 FOR EACH DAY THAT THE VIOLATION REMAINS
29 ONGOING, BEGINNING THE DAY AFTER THE COMPLAINT IS SERVED TO THE
30 INSTITUTION OF HIGHER EDUCATION; AND

31 3. ANY OTHER RELIEF THE COURT DEEMS
32 APPROPRIATE, INCLUDING COMPENSATORY DAMAGES, REASONABLE COURT COSTS,
33 AND ATTORNEY'S FEES.

1 **(II) THE TOTAL AMOUNT OF CIVIL PENALTIES IMPOSED ON A**
2 **PUBLIC INSTITUTION OF HIGHER EDUCATION IN AN ACTION UNDER THIS SECTION**
3 **MAY NOT EXCEED \$100,000, EXCLUDING COURT COSTS AND ATTORNEY'S FEES.**

4 **(III) FOR VIOLATIONS WITH MULTIPLE AGGRIEVED**
5 **INDIVIDUALS, THE COURT SHALL DIVIDE THE AWARD EQUITABLY.**

6 **(3) (I) ANY ACTION ALLEGING A VIOLATION OF THIS SECTION**
7 **SHALL BE FILED WITHIN 1 YEAR AFTER THE DATE ON WHICH THE ALLEGED**
8 **VIOLATION OCCURS.**

9 **(II) EACH DAY THAT THE ALLEGED VIOLATION OF THIS SECTION**
10 **PERSISTS, AND EACH DAY THAT A POLICY IN VIOLATION OF THIS SECTION REMAINS**
11 **IN EFFECT, SHALL CONSTITUTE A NEW DAY THAT THE CAUSE OF ACTION ACCRUES.**

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
13 1, 2026.