

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

SENATE BILL 140

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Manny M. Aragon

AN ACT

RELATING TO SHOPPING MALLS; GRANTING PERSONS CERTAIN RIGHTS OF  
NONCOMMERCIAL COMMUNICATION, EXPRESSION AND SOLICITATION ON THE  
PROPERTY OF PRIVATELY OWNED LARGE SHOPPING MALLS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHOPPING MALLS-- RIGHTS OF A PERSON TO ENGAGE  
IN NONCOMMERCIAL COMMUNICATION, EXPRESSION AND SOLICITATION ON  
PREMISES. --

A. A person has the right to engage in  
noncommercial oral communication with others, distribute  
noncommercial literature, solicit individuals' signatures on  
noncommercial petitions or express opinions and views of a  
noncommercial nature in the common public areas of a privately  
owned shopping mall having leased space and common areas  
totaling one hundred thousand or more square feet if the

underscored material = new  
[bracketed material] = delete

1 specified activities do not interfere with the business of the  
2 mall or its tenants.

3 B. The owner of the mall or his authorized delegate  
4 may impose reasonable restrictions on the time, place and  
5 manner of engaging in the activities described in Subsection A  
6 of this section if the focus and result of the imposition of  
7 the restrictions are to prevent interference with the business  
8 of the mall or its tenants.

9 C. The owner of the mall or his authorized delegate  
10 shall not:

11 (1) require the payment of fees by a person as  
12 a condition of exercising the right to engage in the activities  
13 described in Subsection A of this section; and

14 (2) impose preconditions to engaging in the  
15 activities that reasonably may have the effect of depriving a  
16 person of the rights granted in Subsection A of this section.

17 D. The owner of the mall or his authorized delegate  
18 shall not exclude from the mall noncommercial materials  
19 distributed or used in the activities described in Subsection A  
20 of this section, but may exclude materials that would not be  
21 protected by the first amendment to the United States  
22 constitution if the materials were distributed or used on a  
23 public sidewalk.