

Significant Issues

This bill addresses constitutional issues of speech. The intent of SB 140 is to grant certain freedom of speech rights to individuals wanting to express themselves or to solicit at a shopping mall, but also to balance those rights between the mall owner and solicitor if the latter's activities interfere with mall business operations.

TECHNICAL ISSUES

1. The word "noncommercial" is not defined.

OTHER SUBSTANTIVE ISSUES

Courts are split on whether a party may pass out literature and make solicitations (etc.) at a shopping mall. Some courts do not allow it on the grounds that it is private property and because it requires a state to expand its state constitutional rights beyond the current scope of the federal constitution. Other courts allow it, but permit the property owner to set reasonable restrictions on the time, place and manner of the speech similar to the language on page 2, section B of the bill.

POSSIBLE QUESTIONS

1. How does the bill define reasonable restrictions ?

FC/yr :njw