



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB2186

Introduced 2/7/2023, by Rep. Adam M. Niemerg

SYNOPSIS AS INTRODUCED:

New Act

Creates the Free Speech Protection Act. Provides that a person who has received permission to place a sign or display on State-supported property has the right to exercise freedom of speech. Provides that the Act does not authorize or protect a sign or display that: is libelous, slanderous, or obscene; constitutes an unwarranted invasion of privacy; violates federal or State law; a reasonable person would understand as intended to denigrate or hold up to ridicule the beliefs of a religion, including, but not limited to, the display of a recognized or altered version of a symbol of a religion in such a manner; or incites others to commit an unlawful act, or to materially and substantially disrupt the orderly operation of the State-supported property in question. Provides that no State agency, official, or employee shall be held liable in any civil or criminal action for any expression made through a sign or display. Effective immediately.

LRB103 26028 DTM 52383 b

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Free
5 Speech Protection Act.

6 Section 5. Free speech. Except as otherwise provided in
7 Section 10 of this Act, a person who has received permission to
8 place a sign or display on State-supported property has the
9 right to exercise freedom of speech. There shall be no prior
10 restraint of material prepared for such a sign or display
11 except insofar as it violates Section 10 of this Act. State
12 officials charged with the care and custody of the
13 State-supported property in question shall have the burden of
14 showing justification without undue delay prior to a
15 limitation of expression under this Act.

16 Section 10. Exceptions. This Act does not authorize or
17 protect expression by a person described in Section 5 through
18 a sign or display that:

- 19 (1) is libelous, slanderous, or obscene;
- 20 (2) constitutes an unwarranted invasion of privacy;
- 21 (3) violates federal or State law;
- 22 (4) a reasonable person would understand as intended

1 to denigrate or hold up to ridicule the beliefs of a
2 religion, including, but not limited to, the display of a
3 recognized or altered version of a symbol of a religion in
4 such a manner; or

5 (5) incites others to commit an unlawful act, or to
6 materially and substantially disrupt the orderly operation
7 of the State-supported property in question.

8 Section 15. Liability. No expression made by a person
9 described in Section 5 through a sign or display in the
10 exercise of freedom of speech shall be deemed to be an
11 expression of the public policy of the State of Illinois, and
12 the State of Illinois, including, but not limited to, any
13 State agency, official, or employee shall not be held liable
14 in any civil or criminal action for any expression made by a
15 person described in Section 5 through a sign or display.

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.