

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

HOUSE BILL 3129

By: West (Kevin)

AS INTRODUCED

An Act relating to higher education; amending 70 O.S. 2021, Section 2120, as amended by Section 3, Chapter 18, O.S.L. 2022 (70 O.S. Supp. 2025, Section 2120), which relates to protected expressive activities on campus; prohibiting public institutions of higher education from charging a security fee for certain expression; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 70 O.S. 2021, Section 2120, as amended by Section 3, Chapter 18, O.S.L. 2022 (70 O.S. Supp. 2025, Section 2120), is amended to read as follows:

Section 2120. A. As used in this act:

1. "Campus community" means students, administrators, faculty and staff at the public institution of higher education and their invited guests;

1 2. "Harassment" means only that expression that is unwelcome,
2 so severe, pervasive and subjectively and objectively offensive that
3 a student is effectively denied equal access to educational
4 opportunities or benefits provided by the public institution of
5 higher education;

6 3. "Materially and substantially disrupts" means when a person,
7 with the intent to or with knowledge of doing so, significantly
8 hinders another person's or group's expressive activity, prevents
9 the communication of the message or prevents the transaction of the
10 business of a lawful meeting, gathering or procession by:

11 a. engaging in fighting, violent or other unlawful
12 behavior, or

13 b. physically blocking or using threats of violence to
14 prevent any person from attending, listening to,
15 viewing or otherwise participating in an expressive
16 activity. Conduct that "materially disrupts" shall
17 not include conduct that is protected under the First
18 Amendment to the United States Constitution or Section
19 22 of Article ~~2~~ II of the Oklahoma Constitution. Such
20 protected conduct includes, but is not limited to,
21 lawful protests in the outdoor areas of campus
22 generally accessible to the members of the public,
23 except during times when those areas have been
24 reserved in advance for other events, or minor, brief,

1 or fleeting nonviolent disruptions of events that are
2 isolated and short in duration;

3 4. "Outdoor areas of campus" means the generally accessible
4 outside areas of campus where members of the campus community are
5 commonly allowed, such as grassy areas, walkways or other similar
6 common areas and does not include outdoor areas where access is
7 restricted from a majority of the campus community;

8 5. "Public institution of higher education" means any
9 institution within The Oklahoma State System of Higher Education or
10 technology center schools overseen by the State Board of Career and
11 Technology Education; and

12 6. "Student organization" means an officially recognized group
13 at a public institution of higher education, or a group seeking
14 official recognition, comprised of admitted students that receive or
15 are seeking to receive benefits through the public institution of
16 higher education.

17 B. Expressive activities protected under the provisions of this
18 section include but are not limited to any lawful verbal, written,
19 audio-visual or electronic means by which individuals may
20 communicate ideas to one another, including all forms of peaceful
21 assembly, protests, speeches and guest speakers, distribution of
22 literature, carrying signs and circulating petitions.

23 C. 1. The outdoor areas of campuses of public institutions of
24 higher education in this state shall be deemed public forums for the

1 campus community, and public institutions of higher education shall
2 not create "free speech zones" or other designated areas of campus
3 outside of which expressive activities are prohibited. Public
4 institutions of higher education may maintain and enforce reasonable
5 time, place and manner restrictions narrowly tailored in service of
6 a significant institutional interest only when such restrictions
7 employ clear, published, content- and viewpoint-neutral criteria and
8 provide for ample alternative means of expression. Any such
9 restrictions shall allow for members of the campus community to
10 spontaneously and contemporaneously assemble and distribute
11 literature.

12 2. Nothing in this subsection shall be interpreted as limiting
13 the right of student expression elsewhere on campus.

14 D. 1. Any person who wishes to engage in noncommercial
15 expressive activity on campus shall be permitted to do so freely, as
16 long as the person's conduct is not unlawful and does not materially
17 and substantially disrupt the functioning of the public institutions
18 of higher education, subject only to the requirements of subsection
19 C of this section.

20 2. Nothing in this subsection shall prohibit public
21 institutions of higher education from maintaining and enforcing
22 reasonable time, place and manner restrictions that are narrowly
23 tailored to serve a significant institutional interest only when
24 such restrictions employ clear, published, content- and viewpoint-

1 neutral criteria. Any such restrictions shall allow for members of
2 the campus community to spontaneously and contemporaneously
3 assemble, speak and distribute literature.

4 3. Nothing in this subsection shall be interpreted as
5 preventing public institutions of higher education from prohibiting,
6 limiting or restricting expression that the First Amendment does not
7 protect or prohibiting harassment as defined by this section.

8 4. Nothing in this section shall enable individuals to engage
9 in conduct that intentionally, materially and substantially disrupts
10 another person's expressive activity if that activity is occurring
11 in a campus space reserved for that activity under the exclusive use
12 or control of a particular group.

13 E. Public institutions of higher education shall not charge
14 security fees to a student or student organization based on the
15 content of the student's or student organization's expression, the
16 content of the student's or student organization's invited guest's
17 expression, or the anticipated reaction to the student's or student
18 organization's invited guest's expression.

19 F. Public institutions of higher education shall make public in
20 their handbooks, on their websites and through their orientation
21 programs for students the policies, regulations and expectations of
22 students regarding free expression on campus consistent with this
23 section.

1 ~~F.~~ G. Public institutions of higher education shall develop
2 materials, programs and procedures to ensure that those persons who
3 have responsibility for discipline or education of students,
4 including, but not limited to, administrators, campus police
5 officers, residence life officials and professors, understand the
6 policies, regulations and duties of public institutions of higher
7 education regarding free expression on campus consistent with this
8 section.

9 ~~G.~~ H. 1. Each public institution of higher education shall
10 publicly post on its website, as well as submit to the Governor, the
11 Legislature, and the Chancellor of The Oklahoma State System of
12 Higher Education annually by December 31, a report that details the
13 course of action implemented to be in compliance with the
14 requirements of this section. A report shall also be given in the
15 instance of any changes or updates to the chosen course of action.
16 The information required in the report shall be:

- 17 a. accessible from the institution's website home page by
- 18 use of not more than three links,
- 19 b. searchable by key words and phrases, and
- 20 c. accessible to the public without requiring
- 21 registration or use of a user name, password or
- 22 another user identification.

23 2. The report shall include:
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- 1 a. a description of any barriers to or incidents of
2 disruption of free expression occurring on campus,
3 including but not limited to attempts to block or
4 prohibit speakers and investigations into students or
5 student organizations for their speech. The
6 description shall include the nature of each barrier
7 or incident, as well as what disciplinary action, if
8 any, was taken against members of the campus community
9 determined to be responsible for those specific
10 barriers or incidents involving students without
11 revealing those students' personally identifiable
12 information, and
- 13 b. any other information each public institution of
14 higher education deems valuable for the public to
15 evaluate whether free expression rights for all
16 members of the campus community have been equally
17 protected and enforced consistent with this act.

18 3. If a public institution of higher education is sued for an
19 alleged violation of First Amendment rights, a supplementary report
20 with a copy of the complaint, or any amended complaint, shall be
21 submitted to the Governor and the Legislature within thirty (30)
22 days.

23 ~~H.~~ I. Any person or student organization aggrieved by a
24 violation of this section may bring an action against the public

1 institution of higher education and its employees acting in their
2 official capacities responsible for the violation and seek
3 appropriate relief, including, but not limited to, injunctive
4 relief, monetary damages, reasonable ~~attorneys'~~ attorney fees and
5 court costs. Any person or student organization aggrieved by a
6 violation of this section may assert such violation as a defense or
7 counter claim in any disciplinary action or in any civil or
8 administrative proceedings brought against such student or student
9 organization. Nothing in this subsection shall be interpreted to
10 limit any other remedies available to any person or student
11 organization.

12 ~~F.~~ J. A person shall be required to bring suit for violation of
13 this section no later than one year after the day the cause of
14 action occurs. For purposes of calculating the one-year limitation
15 period, each day that the violation persists and each day that a
16 policy in violation of this section remains in effect shall
17 constitute a new day that the cause of action has occurred.

18 ~~F.~~ K. If any provision of this section or any application of
19 such provision to any person or circumstance is held to be
20 unconstitutional, the remainder of the section and the application
21 of the provision to any other person or circumstance shall not be
22 affected.

23 SECTION 2. This act shall become effective July 1, 2026.
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SECTION 3. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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